JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

COMMONWEALTH OF KENTUCKY

Regular Session
1926

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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

TUESDAY, JANUARY 5, 1926.

At a General Assembly of the Commonwealth of Kentucky, began and held at the Capitol in the city of Frankfort, on Tuesday, the 5th day of January, in the year of our Lord, one thousand nine hundred and twenty-six and the one hundred and thirty-fourth year of the Commonwealth, that being the day fixed by the Constitution for the meeting thereof, Chas. J. Howes, Chief Clerk of the House of Representatives last passed, called the House to order and after prayer by the Reverend J. Howard Gibbons of the Episcopal Church of Frankfort, Kentucky, produced and read the following certificate from the Secretary of State, viz.:

COMMONWEALTH OF KENTUCKY,

OFFICE OF SECRETARY OF STATE

I, Emma Guy Cromwell, Secretary of State of the Commonwealth of Kentucky, hereby certify that the following named persons were at the regular election on the 3rd day of November, 1925, duly elected as members of the General Assembly of the Commonwealth of Kentucky, for their respective districts, as appears from certificates of election on file in my office, to-wit:

From the counties of Adair and Taylor ..... Wm. J. Arvin
From the county of Allen ..... Rev. Ira L. Horne

From the county of Anderson.....J. Doyle Cox
From the counties of Ballard and Carlisle.....J. F. Harrison
From the county of Barren .....J. C. Hutcherson
From the counties of Bath and Rowan.....Chiles Van Antwerp
From the county of Bell.....M. G. Slusher
From the counties of Boone and Grant.....E. M. Johnson
From the county of Bourbon.....W. B. Ardery
From the county of Boyd.....Otto C. Gartin
From the county of Boyle.....J. Harris Baughman
From the counties of Bracken and Pendleton,
Chas. N. McCarthy
From the counties of Breathitt and Lee.....W. H. Miller
From the couties of Breckinridge and Hancock.....E. J. Snyder
From the counties of Bullitt and Spencer.....J. R. Buckman
From the counties of Butler and Edmonson .....Clint Raymer
From the county of Caldwell .....Thos. H. King
From the county of Campbell (67th Dist.).....Phil J. Ryan
From the county of Campbell (66th Dist.).....D. Shaler Berry
From the counties of Carroll and Gallatin.....Chas. B. Carver
From the county of Carter.....J. L. McDavid
From the counties of Casey and Russell.....Mrs. H. G. Jorris
From the county of Christian .....W. C. Keller
From the county of Clark .....J. O. Evans
From the counties of Clay and Owsley.....Chas. L. Seale
From the counties of Clinton and Cumberland.....Caleb Page
From the counties of Crittenden and Livingston.....W. E. Clark
From the county of Daviess (19th Dist.).....John Cooper
From the county of Daviess (20th Dist.).....J. S. Cruse
From the counties of Elliott and Lawrence.....W. W. Johnson
From the counties of Estill and Jackson.....Frank W. Bryant
From the county of Fayette (75th Dist.).....J. L. Vallandingham
From the county of Fayette (76th Dist.).....C. H. Berryman
From the county of Fleming .....J. R. Kelly
From the county of Floyd.....W. S. Wallen
From the county of Franklin.....Dr. T. R. Moore

From the counties of Fulton and Hickman.....M. B. Daniels
From the county of Garrard.....Geo. A. Brown
From the county of Graves.....Goebel B. Henson
From the county of Grayson.....W. H. Pryor
From the counties of Green and Hart.....A. M. Mercer
From the county of Greenup.....Rev. J. G. Swearingen
From the county of Hardin.....Grover C. Johnson
From the county of Harrison.....Mac Swinford
From the counties of Harlan and Leslie.....D. C. Jones
From the county of Henderson.....Fred H. Coots
From the counties of Henry and Owen.....Dr. W. W. Leslie
From the county of Hopkins.....C. C. Givens
From the county of Jefferson (51st Dist.).....Don W. Fowler
From the county of Jefferson (52nd Dist,).....F. A. Gnau
From the county of Jefferson (53rd Dist.).....L. D. Bax
From the county of Jefferson (54th Dist.).....Oscar Leibson
From the county of Jefferson (55th Dist.).....Leon Lewis
From the county of Jefferson (56th Dist.).....J. M. Hayse
From the county of Jefferson (57th Dist.).....T. B. Watts
From the county of Jefferson (58th Dist.).....C. W. Ryans
From the county of Jessamine.....J. R. Dorman
From the counties of Johnson and Martin.....A. J. Baldridge
From the county of Kenton (63rd Dist.).....R. R. Rogers
From the county of Kenton (64th Dist.).....J. L. Cushing
From the county of Kenton (65th Dist.).....Harry Meyers
From the counties of Knott and Magoffin.....W. R. Smith
From the county of Knox.....James Durham
From the counties of Larue and Nelson.....W. J. McGill
From the counties of Laurel and Rockcastle.....D. F. Brown
From the counties of Letcher and Perry.....Henry M. Holbrook
From the county of Lewis.....W. P. Bowman
From the county of Lincoln.....W. A. Carson
From the county of Logan.....Whitsett Hall
From the counties of Lyon and Marshall.....H. R. Holland
From the county of Madison.....Smith Park
From the county of Marion.....W. G. Buckner

From the county of Mason.....C. L. Daly
From the county of McCracken.....H. A. Pulliam
From the counties of McCreary and Wayne,
Lawrence Harmon
From the county of McLean.....C. E. Edwards
From the county of Meade.....S. J. Bunger
From the counties of Menifee and Montgomery.....W. O. Bach
From the counties of Mercer and Washington.....J. I. Peters
From the counties of Metcalfe and Monroe.....Joe Martin
From the county of Morgan.....B. T. Morris
From the county of Muhlenberg.....C. D. Vincent
From the counties of Nicholas and Robertson.....W. J. Curtis
From the county of Ohio.....T. H. Benton
From the counties of Oldham and Trimble.....W. B. Belknap
From the county of Pike.....G. W. Potter
From the counties of Powell and Wolfe.....Shelby Martin
From the county of Pulaski.....Tom Nichols
From the county of Scott.....L. P. Murphy
From the county of Shelby.....E. J. Doss
From the county of Simpson.....J. S. Milliken
From the county of Todd.....R. E. Glenn
From the county of Trigg.....J. J. Patterson
From the county of Union.....G. L. Drury
From the county of Warren (25th Dist.).....F. L. Strange
From the county of Warren (26th Dist.).....N. R. Strange
From the county of Webster.....S. K. Holland
From the county of Whitley.....Joe Manning
From the county of Woodford.....C. W. Hawkins

EMMA GUY CROMWELL, *Secretary of State.*

The roll of the members was called and the following members answered to their names, viz.:

W. B. Ardery	L. D. Bax	C. H. Berryman
Wm. J. Arvin	W. B. Belknap	W. P. Bowman
W. O. Bach	T. H. Benton	D. F. Brown
A. J. Baldridge	Shaler Berry	Geo. A. Brown

F. W. Bryant
J. R. Buckman
W. G. Buckner
S. J. Bunger
W. A. Carson
C. B. Carver
Lee Clark
W. E. Clark
Lonnie Cooper
Fred H. Coots
J. S. Cruse
W. J. Curtis
J. L. Cushing
C. L. Daly
Mormon B. Daniel
J. R. Dorman
E. J. Doss
James M. Durham
D. E. Edwards
J. O. Evans
D. W. Fowler
Otto C. Gartin
R. E. Glenn
C. C. Givens
F. A. Gnau
Whitsett Hall
Lawrence Harmon
J. F. Harrison
C. W. Hawkins
J. M. Hayse
Goebel B. Henson
H. M. Holbrook
H. B. Holland
S. K. Holland
Ira L. Horne
J. C. Hutcherson
E. M. Johnson
Grover C. Johnson
W. W. Johnson
D. C. Jones
Mrs. H. G. Jorris
W. O. Keller
J. R. Kelly
Thos. H. King
Oscar Leibson
W. W. Leslie
Leon P. Lewis
J. L. Manning
Joe Martin
Shelby Martin
A. M. Mercer
H. J. Meyers
H. H. Miller
J. S. Milliken
T. R. Moore
B. T. Morris
L. P. Murphy
Chas. N. McCarty
J. L. McDavid
W. J. McGill
F. T. Nichols
Caleb Page
Smith Park
J. J. Patterson
Jas. J. Peters
Geo. W. Potter
W. H. Pryor
H. A. Pulliam
Clint Raymer
R. R. Rogers
Philip J. Ryan
C. W. Ryans
Chas. L. Seale
M. G. Slusher
W. R. Smith
E. J. Snyder
Frank L. Strange
J. G. Swearengin
Mac Swinford
J. L. Valandingham
Chiles Van Antwerp
C. D. Vincent
W. S. Wallen
T. B. Watts
Speaker G. L. Drury

The oath of office was then administered to each and all of said members by the Honorable E. C. Clark, Chief Justice of the Court of Appeals.

The said Chief Clerk then announced that the election of a Speaker of the House of Representatives was in order.

Mr. Milliken named Hon. G. Lucian Drury of the county of Union as a suitable person to fill said office.

Mr. Gartin named Hon T. C. Jones of the county of Harlan as a suitable person to fill said office.

The vote being taken between those named resulted as follows, viz.:

Those who voted for Hon. G. Lucien Drury were—

W. B. Ardery	D. E. Edwards	Shelby Martin
Wm. J. Arvin	J. O. Evans	A. M. Mercer
W. O. Bach	D. W. Fowler	H. J. Meyers
L. D. Bax	R. E. Glenn	H. H. Miller
W. B. Belknap	C. C. Givens	J. S. Milliken
Shaler Berry	F. A. Gnau	T. R. Moore
Geo. A. Brown	Whitsett Hall	B. T. Morris
W. G. Buckner	H. M. Holbrook	L. P. Murphy
S. J. Bunger	C. W. Hawkins	W. J. McGill
W. A. Carson	Goebel B. Henson	J. J. Patterson
C. B. Carver	H. B. Holland	Jas. J. Peters
Lee Clark	S. K. Holland	Geo. W. Potter
Lonnie Cooper	J. C. Hutcherson	H. A. Pulliam
Fred H. Coots	E. M. Johnson	Philip J. Ryan
J. D. Cox	Grover C. Johnson	W. R. Smith
W. J. Curtis	W. W. Johnson	Frank L. Strange
J. L. Cushing	D. C. Jones	Mac Swinford
C. L. Daly	W. O. Keller	J. L. Valandingham
Mormon B. Daniel	Thos. H. King	Chiles Van Antwerp
J. R. Dorman	W. W. Leslie	W. S. Wallen
E. J. Doss	Leon P. Lewis	—62

Those who voted for Hon. T. C. Jones were—

T. H. Benton	Otto C. Gartin	Chas. N. McCarty
C. H. Berryman	Lawrence Harmon	J. L. McDavid
W. P. Bowman	J. M. Hayse	F. T. Nichols
D. F. Brown	H. M. Holbrook	Caleb Page
F. W. Bryant	Ira L. Horne	Smith Park
W. E. Clark	J. R. Kelly	W. H. Pryor
J. S. Cruse	Oscar Leibson	Clint Raymer
G. Lucian Drury	J. L. Manning	R. R. Rogers
James M. Durham	Joe Martin	C. W. Ryans

Chas. L. Seale	E. J. Snyder	C. D. Vincent
M. G. Slusher	J. G. Swearengin	T. B. Watts

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Mr. Drury having received a majority of the votes cast, a majority of all the members elected being present and voting, was declared duly elected Speaker of the House of Representatives.

The clerk aforesaid appointed Messrs. Milliken and Jones as a committee to inform the Speaker elect of the action of the House and to escort him to the chair.

The Speaker returned his thanks to the House for the honor conferred, recommended and urged the proper observance of order and decorum and announced that he was now ready to take the oath of office, which said oath was administered to him by the Honorable E. C. Clark, Chief Justice of the Court of Appeals.

The Speaker then announced that the next order of business was the election of a Chief Clerk of this House.

Mr. Milliken named Chas. J. Howes, of Franklin County, as a suitable person to fill said office.

There being no further nomination for said office, Mr. Milliken moved that the Speaker of the House be authorized and directed to cast one vote for the entire House for Mr. Howes for Chief Clerk.

Said motion was agreed to.

The Speaker having cast one vote of the House as above directed, declared Mr. Howes elected Chief Clerk of this House.

The Speaker announced that the next order of business was the election of an Assistant Clerk to the House.

Mr. Milliken named Clifford W. Thomas of Trigg County as a suitable person to fill said office.

There being no further nomination Mr. Milliken moved that the Chief Clerk be authorized and directed to cast one vote of the House for Mr. Thomas for Assistant Clerk.

Said motion was agreed to.

Thereupon the Chief Clerk of the House cast one vote for the entire membership of the House for Mr. Thomas for said office.

The Speaker declared Mr. Thomas duly and regularly elected as Assistant Clerk of the House.

Mr. Meyers moved that when nominations are made for the various other offices to be filled at this session by Mr. Milliken of the Majority party and by Mr. Jones of the Minority party that the Chief Clerk of the House be authorized and directed to cast one vote representing sixty-four Democratic votes of the House for all those nominees presented by Mr. Milliken and one vote representing thirty-five Republican members of the House for all those nominees presented by Mr. Jones.

Said motion was agreed to.

Thereupon Mr. Milliken named C. W. Longmire of Franklin County, Mrs. Allie Yantis Phillps of Garrard County, B. L. Cox of Anderson County, Lonnie Smith of Trimble County, E. L. Carter of Monroe County, R. F. Hamilton of Meade County, Miss Emma Jean Wallen of Floyd, Miss Virginia

Strange of Warren County, Mr. Robert Hollen of Marshall County, and Mr. J. M. Triplett of Franklin County, as suitable persons to fill the offices of Sergeant-at-Arms, Enrolling Clerk, Door-keeper, Janitor, Cloakroom-keeper, and Pages respectively.

Mr. Jones named Leslie Perkins of Franklin County, Mrs. Oscar Leibson of Jefferson County, Miss Elizabeth Vincent of Muhlenberg County, Altus Pryor of Grayson County, Daniel Brown, Jr., of Laurel County, and Herschel Johnson of Owsley County as suitable persons to fill the offices of Sergenat-at-Arms, Enrolling Clerk and Pages respectively.

The Chief Clerk cast one vote for the sixty-four Democratic members of the House for all those persons named by Mr. Milliken and one vote for the thirty-five Republican members of the House for all those persons named by Mr. Jones.

Thereupon the Speaker of the House declared that C. W. Longmire, Mrs. Allie Yantis Phillips, B. L. Cox, Lonnie Smith, E. L. Carter, R. F. Hamilton, Miss Emme Jean Wallen, Miss Virginia Strange, Mr. Robert Hollen, Mr. James Triplett had been duly and regularly elected to the offices of Sergeant-at-Arms, Enrolling Clerk, Door-keeper, Janitor, Cloakroom-keepers, and Pages respectively.

All the aforesaid officers elected by the House, took the oath of office as required by the Constitution and laws of Kentucky which was administered by The Honorable E. C. Clark, Chief Justice of the Court of Appeals.

Mr. Cushing offered the following resolution, viz:

Be it Resolved, by the House of Representatives, That a Committee of three members of this House be appointed to notify the Senate that this House of Representatives is fully organized and ready to proceed with the business of this Gen-

eral Assembly, and that the Senate be requested to appoint a Committee to act in conjunction with this Committee to inform the Governor that this General Assembly is organized for business and in session and will be pleased to receive any communication which he may desire to make.

Said resolution was adopted.

Thereupon the Speaker appointed Messrs. Milliken, Jones and Wallen as said Committee.

Said Committee retired and after a time returned and reported that they had discharged that duty and brought from the Governor the information that he, the Governor, desired to deliver a message to the Joint Assembly of the House and Senate on to-morrow at ten-thirty o'clock A. M.

Mr. Wallen offered the following resolution, viz:

Be It Resolved by the House of Representatives, That the rules which control and govern the House of Representatives during the session of the General Assembly last passed, shall be and they are hereby declared to the rules governing this House until the adoption of the report of the Committee on Rules.

Said resolution was adopted.

Mr. Milliken offered the following resolution, viz:

Be It Resolved by the House of Representatives, That the Speaker be authorized and directed to appoint a Committee to be composed of 15 members to be known as the Committee on Rules of which the Speaker shall be ex-officio member and Chairman, and further that the Speaker be and he is hereby authorized to appoint the other standing committees of this House.

Said resolution was adopted.

Mr. Keller offered the following resolution, viz:

Be It Resolved by the House of Representatives, That the Sergeant-at-Arms be directed to invite the white Pastors of the various Churches in Frankfort to attend the meetings of this House and open the sessions thereof with prayer.

Said resolution was adopted.

Mr. Dorman moved that a committee of three members be appointed by the Speaker to draft suitable resolutions in memory of and out of respect for J. L. McFarland, M. D. Strange, A. J. Jolly and Herman Q. Thompson, members of this House who have died since the regular session of the General Assembly of 1924.

Said motion was agreed to.

Thereupon the Speaker appointed Messrs. Dorman, Glenn and Lee Clark as such Committee.

Mr. Lewis on behalf of William S. Kaltenbacher representing the blind boys of the Manual Training Department of the Kentucky School for the Blind very eloquently and feelingly presented the Speaker of the House a gavel bearing the colors of the school which said gavel was made by the boys thereof.

The Speaker accepted the gavel in a short but very appropriate speech.

Mr. Evans moved that Hershel Johnson be made an Honorary Page of this House for the session without pay.

Said motion was agreed to.

Mr. Meyers moved that a Joint Session of the House and Senate be held on to-morrow at ten-thirty o'clock A. M.

Said motion was agreed to.

Mr. Meyers moved that the House do now adjourn.

Said motion was agreed to.

WEDNESDAY, JANUARY 6, 1926.

The House was opened with prayer by the Reverend W. P. Fryman, of the Methodist Episcopal Church, of Frankfort, Kentucky.

The roll was called and the following members answered to their names, viz:

Wm. J. Arvin	Fred H. Coots	C. W. Hawkins
W. O. Bach	J. D. Cox	J. M. Hayse
A. J. Baldridge	J. S. Cruse	Goebel B. Henson
W. B. Belknap	W. J. Curtis	H. M. Holbrook
T. H. Benton	J. L. Cushing	H. B. Holland
Shaler Berry	C. L. Daly	S. K. Holland
C. H. Berryman	Mormon B. Daniel	Ira L. Horne
W. P. Bowman	J. R. Dorman	J. C. Hutcherson
D. F. Brown	James M. Durham	E. M. Johnson
Geo. A. Brown	D. E. Edwards	Grover C. Johnson
F. W. Bryant	J. O. Evans	W. W. Johnson
J. R. Buckman	D. W. Fowler	D. C. Jones
W. G. Buckner	Otto C. Gartin	Mrs. H. G. Jorris
S. J. Bunger	R. E. Glenn	W. O. Keller
W. A. Carson	C. C. Givens	J. R. Kelly
C. B. Carver	F. A. Gnau	Thos. H. King
Lee Clark	Whitsett Hall	W. W. Leslie
W. E. Clark	Lawrence Harmon	Leon P. Lewis
Lonnie Cooper	J. F. Harrison	Joe Martin

Shelby Martin
A. M. Mercer
H. J. Meyers
H. H. Miller
J. S. Milliken
T. R. Moore
B. T. Morris
L. P. Murphy
Chas. N. McCarty
J. L. McDavid
W. J. McGill
Caleb Page
Smith Park
J. J. Patterson
Jas. J. Peters
W. H. Pryor
Clint Raymer
Philip J. Ryan
C. W. Ryans
Chas. L. Seale
M. G. Slusher
W. R. Smith
E. J. Snyder
Frank L. Strange
J. G. Swearengin
Mac Swinford
J. L. Valandingham
Chiles Van Antwerp
C. D. Vincent
W. S. Wallen
T. B. Watts

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. Milliken moved that Arthur Pryor, of Grayson County, Daniel Brown, Jr., of Powell County, and Elizabeth Vincent of Muhlenburg County, be and they are hereby made honorary pages of this House during the Session without pay.

Said motion was agreed to.

Mr. Milliken offered the following resolution, viz:

Be It Resolved by the House of Representatives, the Senate concurring therein, that when this House adjourn today said adjournment shall be until Monday, January 11, 1926, at one o'clock P. M.

Said resolution was adopted.

The Chief Clerk reported the action of the House on said resolution to the Senate.

After a time the Chief Clerk of the Senate reported to the House that the Senate had concurred in said resolution.

Mr. Moore offered the following resolution, viz:

Be it resolved by the House of Representatives That Lonnie E. Smith who has been elected Janitor of this House, be and he is hereby made and designated Bill Clerk of the House under the supervision and direction of the Chief Clerk of this House, and it shall be his duty to receive all printed bills from the Public Printer, furnish a sufficient number thereof to the pages for distribution to members' desks, and to keep the other printed bills on file in an orderly fashion, and to perform such other duties relative to documents of the Clerk's office as the Chief Clerk may direct.

Said resolution was adopted.

The hour of ten-thirty o'clock having arrived, that being the hour as provided by resolution of Mr. Milliken on yesterday, for the Joint Session of the House and Senate for the specific purpose of receiving the Governor's Message, the Senate of Kentucky, in order, entered upon the floor of the House of Representatives, and Lieutenant Governor H. H. Denhardt, President of the Senate took the Speaker's Chair and called the Joint Session to order.

The Hon. G. Lucien Drury, Speaker of the House of Representatives, took the chair at the right of the President of the Senate.

Senator Hamilton moved that the call of the roll for the Joint Session be dispensed with.

Said motion was agreed to.

Senator Hamilton moved that the Joint Rules which governed and controlled the Joint Sessions of the House and the Senate during the General Assembly of 1924, be and they are hereby made the Joint Rules of the Joint Assembly for the session of 1926 until further action by the two Houses.

Said motion was agreed to.

The Honorable W. J. Fields, Governor of the Commonwealth of Kentucky was escorted to the floor of the House of Representatives by the Joint Committee of the House and Senate heretofore appointed, on yesterday, by the Speaker of the House and the President of the Senate for the purpose of waiting on the Governor to ascertain his pleasure in the matter of delivering his Message to the General Assembly, and the Governor took his position at the Chief Clerk's desk and delivered the following Message to the Joint Asesmbly, viz:

INTRODUCTORY

MEMBERS OF THE GENERAL ASSEMBLY:

As the head of the Executive branch of the State government, upon which branch devolves the responsibility of administering and enforcing the laws for the protection of society, it becomes my official duty to submit for your information reports on the administration of the affairs of the Commonwealth under Executive supervision, to recommend the enactment of such additional laws as may to us appear essential to the general welfare, and also to recommend such revision of existing laws as may seem advisable.

In my opinion former Legislatures have devoted their time too exclusively to the enactment of new laws, thereby failing to give sufficient time and study to the revision of laws already upon our statute books.

Statutory laws are products of human intellect, human effort, and oftentimes a compromise of conflicting opinions. We could not, therefore, expect such laws to be perfect in their creation. The principle out of which a law evolves may be sound, but the law, by reason of its codification or other defects, may be unsound. Or, a law may be sound in principle, but lacking in administrative features essential to its enforce-

ment. So long as such defects remain uncorrected the law is not as beneficial as it should be.

In our state we have many laws that are sound in principle and would be wholesome in effect but for minor defects or lack of adequate administrative features. I therefore beg to express the hope that a goodly portion of the time of the present session may be devoted to the task of amending laws that are lacking in administrative features, or have other defects.

Such a course would mark an epoch in the legislative procedure of the State and make this one of the most beneficial sessions of the legislature ever held in Kentucky. Furthermore, you would render a great service to the Commonwealth by giving the earliest possible consideration to each and every worthy measure instead of delaying such consideration until the last few days of the session, as has too often been done, which always results in congestion and often in the failure to enact meritorious legislation.

Revenue and Taxation

Fulfilling my pledge to the taxpayers of the Commonwealth, I made certain definite recommendations to the 1924 session of the General Assembly which were enacted into laws. The purpose of this legislation was to equalize the burden of the support of the State Government, to reach all property subject to taxation, to give definite relief to the agricultural interests of the Commonwealth, and at the same time maintain sufficient revenues to meet the increasing needs of the State.

The enacted provisions intended to achieve the desired results were contained principally in two acts known as the Nelson act and the Porter act. By the provisions of the Nelson Tax Law the State tax rate upon real estate was lowered from forty cents to thirty cents per $100.00 or 25% of assessed value. The assessment of agricultural lands for 1923 taxes next before enactment of the Nelson Tax Law was $718,276,-

114.00. The first assessment made and equalized after the enactment of the Nelson Tax Law was for 1925 taxes and amounted to $703,242,375.00, or a decrease in the assessment of agricultural lands for taxation of $15,033.739.00. Under the provisions of the Nelson Tax Law the State taxes of those engaged in farming in this State have been materially decreased. Agricultural lands have received a direct benefit of a decrease in the tax rate of 25%, a decrease in the assessment of 2%, making a total decrease of 27% in the burden of taxation borne by that class of property.

In addition to the lowering of the State tax rate upon real estate and the decrease in the assessment of same, live stock, under the provisions of the Nelson Tax Law, was relieved from local taxation and made subject to a State rate of only fifty cents per $100.00. The average tax rate for State, County and District purposes upon the assessed value of live stock previous to the enactment of the Nelson Tax Law was $1.16 per $100.00 of assessed value, thereby reducing the tax burden of that class of property 66 cents on the $100.00.

In addition to the lowering of the tax rate upon the assessed value of live stock, the assessed value thereof for 1925 taxes was materially less than for 1923 taxes. From the above it is conclusively shown that by the enactment of the provisions of the Nelson Tax Law affecting agricultural interests, those engaged in farming have been directly benefited, not only by the lowering of the tax rates upon their properties, but also by decreased assessments.

The deficit in the State revenue caused by the decrease in the revenue derived from agricultural interests has more than been supplied by the increase in the revenue derived from tangible and intangible personal property and mineral interests. The assessed value of tangible personal property was increased from $272,828,652.00 for 1923 taxes to $352,747,808 for 1925 taxes or an increase of $79,919,156.00. It has been common knowledge that the assessment of tangible personal property as a class for a number of years has been materially lower,

based upon its actual value, than real estate; and by reason of the meritorious provisions of the Porter act the taxing authorities have been enabled to equalize the assessment of tangible personal property and cause it to bear its just proportions of the burden of Government.

As conclusive evidence of the wisdom of the taxing authorities in equalizing the assessment of tangible personal property in 1924, some time after the State Tax Commission had made its equalization and increased the assessment of tangible personal property in a certain County of the Commonwealth its action was contested by the county officials. In the preparation of this suit for trial and after considerable proof had been taken, the County officials ascertained from the testimony that was given by the citizens affected that they were in error; that the equalization made thereon by the State Tax Commission was correct and the action was dismissed on motion of the County authorities upon the payment of the cost by them.

The assessment of intangible personal property for 1923 taxes was $396,093,911.00 and for 1925 taxes $501,403,120.00, or an increase of $105,309,209.00. The records disclose that the increased assessment of this class of property was occasioned by a provision of the Nelson Tax Law, which brought from its hiding the greater part of this increase and placed it upon the assessment books for taxation, which had theretofore escaped by reason of the inability of the taxing authorities to locate it. Contrary to the prophesy of those opposing this provision of the Nelson Tax Law (that by increasing the State tax rate upon intangibles from forty to fifty cents per $100.00 it would cause intangibles to go in hiding and reinvestment of the proceeds thereof in other non-taxable property) the records clearly demonstrate that there has been no disposition upon the part of any taxpayer to change his investments on this account or to conceal its ownership. The soundness of the judgment of the General Assembly in enacting this law has been fully verified by the results obtained, by

reason of the fact that intangible personal property is only subject to a State rate and the tax rate in Kentucky compares quite favorably with that of other States upon the assessed value of this class of property.

By decreasing the tax rate upon real estate and increasing the rate on other tangibles and intangibles and bringing from hiding millions of dollars of the latter class, we have more equitably distributed the burden of financing the maintenance of the State government. In 1925 real estate only bore 45% and all tangible and intangible personal property bore 55%.

By reason of the provisions of the Porter act the assessing authorities of the State have been enabled to make uniform and equitable assessment of the different classes of property of this State and relieve the County treasuries of a great expense that had necessarily been borne by them. One County of the State has recently contested the equalization of the assessment of the property of that County, contending that the property therein was assessed at a higher valuation than similar property and all other properties in the other Counties of the State. After the action had been thoroughly prepared in behalf of the County and on behalf of the Commonwealth this case was submitted to the Franklin Circuit Court and the judgment thereof sustained the equalized assessment as made by the State authorities. An appeal was prosecuted to the Court of Appeals and in a decision recently rendered the Court of Appeals said: "We are convinced that as far as could humanly and practically be done, these Counties were assessed on an equal basis with other Counties of the State, considering their difference in kind and character."

As a result of the legislation heretofore referred to and the administration thereof, I can confidently advise you that great advancement has been made in the equality of the assessment of property in this State for taxation and the burden of financing the State Government has been made more equit

able and more uniform and at the same time the State's revenues have been maintained.

Furthermore, the State government for the last fiscal year, for the first time since 1899, held its expenditures within the State's revenues.

Under the provisions of the Nelson Tax Law the distribution of the State revenue is so made that all the revenue received from the assessment of real estate, intangibles, franchises, and one-half of the inheritance tax is expended for the support of education, the building of highways and maintenance of the sinking fund. All the remaining revenue received is credited to the general fund except the motor vehicle and gasoline taxes which are credited directly to the road fund. Under this distribution, the common school fund and the maintenance fund of the State Educational Institutions have been materially increased. With the exception of the one year that we had the benefit of the Bingham inheritance tax, more money is now being expended for education than ever before in the history of the State.

While the amendments to our revenue laws enacted at the preceding session of the Legislature have resulted in great improvement in our system of taxation, there are still other needed improvements, to which I invite your attention.

In my opinion State and county taxes should be entirely separated just as State and municipal taxes are separated. By such separation the taxpayers would thoroughly understand what amount of taxes they pay for the support of the State government and how much they pay for the support of their county government. With this information they would know where to go for relief in case either the State or county taxes should be made exorbitant or should be improperly or extravagantly expended, while under the present system it would be difficult for them to determine whether an undue burden was chargeable to the State or to the county.

It is also my opinion that real estate should be relieved of the burden of taxation for State purposes, thereby sub-

jecting it to local taxation only. But before this could be accomplished it would be necessary to find other sources from which to supply the deficit in the State's revenues which would follow as a result of the suggested relief to real estate. But whether you deem it advisable at this time to relieve real estate from taxation for State purposes, it is absolutely imperative that we find additional revenues to meet and correct the appalling conditions that obtain in the charitable and corrective institutions of the State.

The people of Kentucky cannot in common decency close their eyes to these conditions, but should correct them with the least possible delay. I therefore recommend that you immediately set yourselves to the task of supplying additional revenues by the imposition of a tax on luxuries.

A tax on all manufactured tobacco and tobacco products, including smoking tobacco, cigars, cigarettes and cigarette wrappers, would be both a proper and a productive source of revenue.

If I am correctly informed some twenty states, including our neighboring state of Tennessee, have imposed a similar tax from which they derive splendid results. It is also my information that several foreign countries derive enormous revenues from a tax on manufactured tobacco and tobacco products. There is therefore not a single valid reason why Kentucky should not impose a like tax.

Theater tickets and bottled soft drinks are also proper subjects for consideration. There are many other luxuries, too numerous to mention here that might properly be taxed.

It is very essential that revenue measures receive early consideration in order that you may know how to frame other legislation that must necessarily depend upon the amount of revenue to be supplied.

I therefore trust that the revenue bills may be considered with all possible haste.

EDUCATION

As stated in my reference to revenue and taxation, under the revenue laws enacted at the preceding session of the Genral Assembly the common school fund and the maintenance fund of the State Educational Institutions have been materially increased, making these funds apparently adequate to properly maintain the schools of the State. School buildings, however, cannot be constructed from these funds as they are set apart by statute for maintenance only.

Our State University and some of our Normal Schools have insufficient room and inadequate facilities to meet the demands upon them. It is therefore imperative that sufficient funds be supplied to enable them to meet these needs if Kentucky is to give to her youth the educational advantages that are enjoyed by the youth of our neighboring states.

This demand upon the general fund of the State therefore adds to the necessity for additional revenues, to which I have heretofore referred.

DEPARTMENT OF STATE ROADS AND HIGHWAYS

At the last session of the General Assembly, I asked you to appropriate ten thousand ($10,000.00) dollars with which to pay for a complete audit of the Department of State Roads and Highways, to employ a consulting engineer to investigate its methods of engineering, and to recommend such changes as he deemed essential to greater efficiency and economy. The appropriation was made and both the audit and investigation followed in due course.

From the latter, we inaugurated improved methods of engineering which have resulted in greater efficiency and economy. By the audit we ascertained the true financial condition of the department hitherto apparently unknown to any one, and upon the recommendation and with the assistance of the accountants who made the audit we inaugurated an improved system of accounting for the department. The audit, which was completed in the fall of 1924, disclosed that we in-

herited from the former commission an obligation actual and contingent of approximately eight and a half million dollars, against inherited assets of approximately five million dollars. The contingencies developed from time to time into actual obligations, thereby imposing upon us a financial burden in excess of assets to the amount of approximately $3,500,000.00, due to the fact that the former commission had awarded contracts for road construction faster than the revenue laws had supplied revenue with which to pay for such construction.

With this vast obligation on our hands; with overhead and maintenance charges which necessarily had to be met to prevent both our organization and our finished roads from going to pieces; with insufficient revenue to meet all these obligations and a decision from the Court of Appeals to the effect that we can not exceed our estimated revenues for a biennial period, beginning with the fiscal year following each session of the Legislature, we were forced to suspend road construction involving the expenditure of State funds until such time as we could discharge the financial obligation confronting us. In fact, we were forced to cancel some contracts that we had awarded in September, 1924, to enable us to discharge this obligation by the end of the present fiscal year, which we hope to be able to do. No contract for road construction involving the expenditure of State funds has been awarded since September, 1924, and none will be awarded until the obligation inherited from the former commission shall have been discharged.

This obligation is being discharged as rapidly as our revenues will permit. The State is enjoying the benefit of the roads by the construction of which the obligation was incurred and should pay for them one hundred cents on the dollar.

When forced in 1924 to suspend road construction by State funds, the outlook was most discouraging. For so long

as we had no funds with which to finance construction, we could not hope to draw on our quota of Federal funds. It, therefore, seemed for a time that we would be forced not only to entirely discontinue all road construction for approximately two years, but would also be forced to reduce and practically dispense with our engineering organization, which had been built up with great care and which could not be reorganized quickly, if once dispensed with.

Furthermore, construction contractors, who are an essential part of a road building organization, would have gone into other activities or sought employment in other states and would not have been available when we resumed construction, as a result of which competition in road building (which is most valuable to the State) would have been materially reduced. But after careful thought we devised a new plan by which we hoped to finance sufficient construction to hold our organization together and keep construction contractors in the State.

Our plan was to turn to the counties for funds. At that time we had but one fund other than our Federal allowance from which we could pay for construction. Up to this date funds received from counties had been deposited in the State road fund to the credit of the respective counties supplying same. But with our State fund obligated for a period of approximately two years, so that we could not contract further until current indebtedness was liquidated, we could not expect counties to supply funds for construction within their respective borders and wait for many months for the construction to begin.

We took the position, however, that funds supplied by a county did not belong to and could not be made a part of the general State road fund, for the reason that the statute specifically provides how the State road fund shall be raised and does not include county funds within its provisions. The Attorney General agreed with us and wrote a decision to the

effect that funds supplied by a county could only be held in trust by the department and disbursed by it for the use and benefit of that county, whereupon we then opened a trustee fund for the counties and appealed to them to supply funds for construction within their respective borders, and wherever a county supplied funds the amount supplied was placed to its credit in the trustee fund. We asked the Federal Bureau of Public Roads to match the county funds, wherever a county supplying such funds had a federalized project.

This was a distinct departure from the regular procedure of the Federal Bureau, but with the assistance of the Federal engineer for Kentucky, Col. Galbreath, we were able to induce the Federal Bureau to comply with our request. By this method we have been able to utilize our entire quota of Federal funds thus far available.

Our plan has succeeded beyond our fondest expectations. By county funds, raised in the main by county bond issues and Federal funds, we have awarded contracts during the present calendar year to the amount of three million six hundred thousand ($3,600,000.00) dollars, which did not involve the expenditure of one dollar of the State funds, and we still have available $1,959,000.00 of county funds against which we will award construction contracts in the immediate future. Other counties bid fair to vote bonds in the near future, in which event we will be able to award contracts aggregating six million dollars by July first, 1926, in all of which there will not be included one dollar of the State's money.

We have not only continued construction despite the adverse circumstances which confronted us, but we have reduced the cost of construction thirty-three per cent (33%) on the average, as will be shown by the table of estimates and prices, from the records of the department, which I quote as follows:

Total Amount of Construction Contracts Awarded. Total Estimated Quantities, Total Estimated Cost and Average Unit Prices for Different Classe of Excavation, Concrete and Stone Masonry for Periods Shown Below.

July 1, 1923, to June 30, 1924.

Total amount of contracts awarded in periods.....$4,068,372.16

	Total Estimated Quantities	Total Estimated Cost	Average Unit Price
Earth Excav., cu. yds.	1,011,475.00	$468,066.77	.46
Earth Borrow Excav., cu. yds.	293,308.00	142,025.87	.48
Solid Rock Excav., cu. yds.	473,925.00	477,492.69	1.01
Loose Rock, cu. yds.	82,831.00	63,731.27	.77
Class A Concrete, cu. yds.	11,663.17	259,264.97	22.23
Class B Concrete, cu. yds.	5,277.02	99,082.69	18.77
Class D Concrete, cu. yds.	164.74	9,653.58	58.60
Gem. Rubble Masonry, cu. yds.	10,090.18	111,631.71	11.06
First Class Gem. Rub. Mas., cu. yds.	1,880.40	30,086.38	16.00
Box Culvert Gem. Rub. Mas., cu. yds.	1,523.13	16,235.86	10.66
Stone Paving, sq. yds.	453.00	1,359.00	3.00

July 1, 1924, to October 1, 1924.

Total amount of contracts awarded in periods.....$6,407,515.03

	Total Estimated Quantities	Total Estimated Cost	Average Unit Price
Earth Excav., cu. yds.	1,629,654.00	$741,315.34	.45
Earth Borrow Excav., cu. yds.	458,683.00	203,162.87	.44
Solid Rock Excav., cu. yds.	597,424.00	553,502.54	.93
Loose Rock, cu. yds.	89,324.00	77,621.94	.87
Class A Concrete, cu. yds.	16,976.50	374,756.52	22.08
Class B Concrete, cu. yds.	5,468.30	101,038.67	18.48
Class D Concrete, cu. yds.	116.27	7,314.15	62.91
Gem. Rubble Masonry, cu. yds.			
First Class Gem. Rub. Mas., cu. yds.	2,581.20	42,499.68	16.47
Box Culvert Gem. Rub. Mas., cu. yds.	3,096.61	42,021.42	13.57
Stone Paving, sq. yds.	1,681.77	4,596.21	2.73

October 1, 1924, to October 31, 1925.

Total amount of contracts awarded in periods.....$3,664,002.69

	Total Estimated Quantities	Total Estimated Cost	Average Unit Price
Earth Excav., cu. yds.	1,981,768.00	$718,910.62	.36
Earth Borrow Excav., cu. yds.	715,281.00	244,763.11	.34
Solid Rock Excav., cu. yds.	796,720.00	612,637.79	.77
Loose Rock, cu. yds.	318,538.00	181,791.35	.57
Class A Concrete, cu. yds.	25,795.75	553,872.95	21.47
Class B Concrete, cu. yds.	6,180.49	121,872.44	19.72
Class D Concrete, cu. yds.	225.89	12,846.92	56.87
Gem. Rubble Masonry, cu. yds.			
First Class Gem. Rub. Mas., cu. yds.	9,878.54	118,070.63	11.95
Box Culvert, Gem. Rub. Mas., cu. yds.	6,398.02	72,190.17	11.28
Stone Paving, sq. yds.	3,684.49	10,463.61	2.84

The reduction in the cost of construction was accomplished in part by the rejection of bids when in the opinion of the Commission they were too high, and in part by awarding small contracts to small contractors instead of continuing the policy of awarding huge contracts to large speculative contractors, who in many instances divided them among small contractors, on a commission basis.

On July first, 1923, we had approximately eleven hundred miles of road under State maintenance. We now have two thousand three hundred and thirty-three miles under State maintenance.

The following report from the records of the Department shows the amount of mileage under maintenance and where located:

Department State Roads and Highways, Frankfort, Ky., December 23, 1925. Roads Under State Maintenance.

Miles Accepted for Maintenance from July 1, 1923, *to October* 31, 1925, *and Estimate Will be Accepted from November* 1, 1925, *to December* 31, 1925.

July 1, 1923, to June 30, 1924	403.281
July 1, 1924, to June 30, 1925	553.063
July 1, 1925, to Oct. 31, 1925	124.006
Estimated Nov. 1, 1925, to Dec. 31, 1925	152.608
Total	1,232.958
Total under maintenance June 30, 1923	1,097.050
Total now under maintenance	2,330.000

County	Road Name	Miles
Adair	Campbellsville-Columbia	8.000
Allen	Scottsville-Bowling Green	11.400
Allen	Scottsville-Tenn. State Line	10.000
Allen	Scottsville-Tompkinsville	10.927
Anderson	Lawrenceburg-Versailles	3.900
Anderson	Lawrenceburg-Bloomfield	4.070
Barren	Glasgow-Edmonton	9.200
Barren	Glasgow-Scottsville	7.007
Barren	Glasgow-Munfordsville	9.200
Bath	Owingsville-Carlisle	3.200
Bath	Owingsville-Mt. Sterling	6.297
Bell	Pineville-Harlan	5.252
Bell	Pineville-Barbourville	4.445
Bell	Pineville-Middlesboro	22.150
Bell	Middlesboro-Cumberland	3.500
Bell	Middlesboro-Manring	2.501
Boone	Covington-Lexington	10.157
Boone	Burlington-Florence	6.300
Bourbon	Paris-Lexington	6.325
Bourbon	Paris-Winchester	8.930
Bourbon	Paris-Mt. Sterling	12.000
Bourbon	Paris-Maysville	7.850

County	Road Name	Miles
Bourbon	Paris-Cynthiana	8.250
Boyd	Ashland-Grayson	12.495
Boyd	Ashland-Greenup	0.609
Boyd	Catlettsburg-Louisa	15.477
Boyle	Danville-Harrodsburg	3.560
Boyle	Danville-Lebanon	16.480
Boyle	Danville-Lancaster	6.585
Boyle	Danville-Stanford	4.166
Bracken	Brooksville-Cynthiana	11.800
Bracken	Brooksville-Agusta	8.896
Bracken	Brooksville-Alexandria	10.600
Bracken	Brooksville-Maysville	6.171
Breathitt	Jackson-Campton	8.955
Breckinridge	Ohio River Route	16.482
Bullitt	Louisville-Bardstown	5.347
Bullitt	Louisville-Shepherdsville	7.212
Caldwell	Princeton-Marion	14.032
Campbell	Alexandria-Newport	12.000
Campbell	Alexandria-Falmouth	4.992
Carroll	Carrollton-Owenton	7.600
Carroll	Carrollton-Warsaw	7.000
Carroll	Carrollton-New Castle	8.028
Carter	Midland Trail	10.837
Casey	Liberty-Stanford	5.000
Christian	Hopkinsville-Elkton	1.297
Christian	Hopkinsville-Pembroke	10.000
Christian	Hopkinsville-Madisonville	18.636
Christian	Hopkinsville-Cadiz	9.358
Clark	Winchester-Lexington	6.027
Clark	Winchester-Paris	6.327
Clark	Winchester-Mt. Sterling	9.580
Clark	Winchester-Richmond	7.746
Clinton	Albany-Monticello	11.909
Crittenden	Marion-Princeton	7.212
Crittenden	Ohio River Road	8.829

County	Road Name	Miles
Cumberland	Burkesville-Glasgow	12.710
Daviess	Owensboro-Leitchfield	13.598
Daviess	Owensboro-Livermore	8.500
Daviess	Owensboro-Dixon	7.500
Daviess	Owensboro-Calhoun	14.000
Daviess	Owensboro-Hartford	14.210
Daviess	Owensboro-Hawesville	5.196
Daviess	Owensboro-Henderson	4.159
Edmonson	Bowling Green-Cave City	8.250
Estill	Irvine-Richmond	6.671
Fayette	Lexington-Winchester	9.970
Fayette	Lexington-Harrodsburg	4.800
Fayette	Lexington-Nicholasville	4.976
Fayette	Lexington-Georgetown	7.055
Fayette	Lexington-Versailles	7.428
Fayette	Lexington-Richmond	14.015
Fayette	Lexington-Paris	7.600
Floyd	Prestonsburg-Paintsville	4.680
Franklin	Frankfort-Versailles	3.400
Franklin	Frankfort-Shelbyville	7.810
Franklin	Frankfort-Georgetown	9.000
Gallatin	Warsaw-Owenton	4.700
Garrard	Lancaster-Stanford	2.634
Garrard	Lancaster-Richmond	11.100
Garrard	Lancaster-Danville	9.513
Garrard	Danville-Nicholasville	7.000
Garrard	Lancaster-Nicholasville	3.200
Grant	Williamstown-Covington	12.651
Grant	Williamstown-Falmouth	3.500
Graves	Mayfield-Tenn. State Line	19.260
Green	Greensburg-Hodgenville	5.401
Greenup	Greenup-Ashland	9.773
Hancock	Ohio River Road	20.730
Hardin	Elizabethtown-Bardstown	8.447
Hardin	Elizabethtown-Munfordsville	17.920

County	Road Name	Miles
Hardin	Elizabethtown-Leitchfield	6.100
Hardin	Elizabethtown-West Point	22.720
Hardin	Ohio River Road	2.700
Harlan	Harlan-Pineville	14.759
Harrison	Cynthiana-Paris	5.592
Harrison	Cynthiana-Falmouth	14.753
Harrison	Cynthiana-Georgetown	10.700
Hart	Jackson Highway	3.275
Hart	Dixie Highway	19.670
Henderson	Ohio River Road	12.351
Henderson	Dixie Bee Line	14.820
Henry	New Castle-Carrollton	9.707
Henry	New Castle-Shelbyville	4.645
Hopkins	Dixie Bee Line	21.698
Hopkins	Dawson Springs-Earlington	12.853
Jefferson	Louisville-Bardstown	12.864
Jefferson	Louisville-Taylorsville	18.046
Jefferson	Louisville-Shelbyville	15.000
Jefferson	Louisville-West Point	19.992
Johnson	Paintsville-Salyersville	9.297
Jessamine	Lexington-Harrodsburg	11.964
Jessamine	Lexington-Nicholasville	5.404
Jessamine	Lancaster-Nicholasville	7.758
Kenton	Covington-Falmouth	15.467
Kenton	Covington-Williamstown	6.831
Knox	Barbourville-Corbin	17.035
Knox	Barbourville-Pineville	11.222
Larue	Hodgenville-Bear Wallow	11.812
Laurel	London-Corbin	13.010
Laurel	London-Mt. Vernon	16.147
Laurel	London-Manchester	0.722
Lawrence	Louisa-Paintsville	19.422
Lawrence	Louisa-Sandy Hook	4.791
Lawrence	Louisa-Catlettsburg	18.569
Lee	Beattyville-Irvine	12.344

County	Road Name	Miles
Leslie	Hyden-Hazard	1.742
Letcher	Whitesburg-Hazard	10.792
Letcher	Whitesburg-Jenkins	8.225
Letcher	Pound Gap-Jenkins	2.260
Lewis	Vanceburg-Maysville	18.850
Lincoln	Stanford-Somerset	19.516
Lincoln	Stanford-Danville	5.140
Livingston	Ohio River Road	29.290
Livingston	Smithland-Eddyville	4.062
Logan	Russellville-Clarksville	8.287
Logan	Russellville-Morgantown	3.384
Lyon	Eddyville-Smithland	0.750
McCracken	Paducah-Louisville	2.392
McCracken	Paducah-Mayfield	10.485
McCracken	Paducah-Wickliffe	6.800
McCracken	Paducah-Benton	7.500
McCreary	City of Stearns	1.320
McCreary	Whitley City-Somerset	12.056
McCreary	Whitley City-Tenn. State Line	11.861
McLean	Calhoun-Owensboro	5.795
Madison	Richmond-Irvine	7.841
Madison	Richmond-Winchester	4.072
Madison	Richmond-Mt. Vernon	12.343
Madison	Richmond-Lexington	7.000
Magoffin	Salyersville-Paintsville	6.708
Marion	Lebanon-Campbellsville	4.120
Marion	Lebanon-Danville	6.500
Mason	Maysville-Lexington	16.283
Meade	Louisville-Paducah	15.369
Menifee	Frenchburg-West Liberty	11.130
Mercer	Harrodsburg-Danville	3.642
Mercer	Harrodsburg-Lawrenceburg	5.000
Mercer	Harrodsburg-Lexington	12.137
Metcalfe	Glasgow-Edmonton	8.115
Monroe	Tompkinsville-Glasgow	11.420

County	Road Name	Miles
Montgomery	Mt. Sterling-Paris	7.064
Montgomery	Mt. Sterling-Winchester	4.473
Montgomery	Mt. Sterling-Owingsville	6.289
Montgomery	Mt. Sterling-Frenchburg	3.366
Morgan	West Liberty-Frenchburg	18.152
Muhlenberg	Greenville-Central City	5.700
Muhlenberg	Central City-Calhoun	10.303
Muhlenberg	Greenville-Nortonville	8.309
Nelson	Bardstown-Springfield	3.000
Nelson	Bardstown-Lawrenceburg	21.550
Nelson	Bardstown-Hodgenville	8.500
Nelson	Bardstown-Louisville	12.590
Nicholas	Paris-Maysville	13.275
Nicholas	Carlisle-Owingsville	7.408
Ohio	Hartford-Owensboro	7.245
Ohio	Hartford-Morgantown	7.320
Oldham	La Grange-Shelbyville	4.774
Oldham	La Grange-New Castle	3.318
Oldham	La Grange-Russell's Corners	3.352
Owen	Owenton-New Castle	8.022
Owen	Owenton-Warsaw	8.000
Pendleton	Alexandria-Falmouth	7.500
Pendleton	Falmouth-Williamstown	10.500
Pendleton	Falmouth-Independence	7.500
Pendleton	Falmouth-Cynthiana	8.425
Perry	Hazard-Jackson	2.466
Perry	Hazard-Whitesburg	5.980
Pike	Pikeville-Whitesburg	6.088
Pike	Pikeville-Williamson	17.797
Pike	Pikeville-Williamson	13.600
Pike	Pikeville-Prestonsburg	8.867
Powell	Winchester-Stanton	5.492
Powell	Winchester-Stanton	5.026
Powell	Stanton-Campton	15.851
Pulaski	Somerset-Stanford	15.371

County	Road Name	Miles
Rockcastle	Mt. Vernon-London	7.840
Rockcastle	Mt. Vernon-London	9.973
Rockcastle	Mt. Vernon-Richmond	7.050
Rowan	Morehead-Owingsville	8.030
Rowan	Morehead-Grayson	8.762
Simpson	Franklin-Bowling Green	6.700
Simpson	Franklin-Tennesse State Line	5.980
Scott	Georgetown-Frankfort	9.249
Scott	Georgetown-Lexington	3.441
Scott	Georgetown-Cynthiana	4.700
Scott	Georgetown-Cynthiana	3.200
Scott	Georgetown-Williamstown	5.800
Shelby	Shelbyville-Taylorsville	4.500
Shelby	Shelbyville-Louisville	9.784
Shelby	Shelbyville-Frankfort	9.017
Shelby	Shelbyville-Frankfort	3.500
Shelby	Shelbyville-Eminence	10.135
Spencer	Louisville-Bardstown	2.565
Taylor	Campbellsville-Columbia	11.900
Taylor	Campbellsville-Lebanon	9.500
Trimble	New Castle-Carrollton	1.270
Todd	Elkton-Fairview	4.340
Trigg	Cadiz-Benton	17.712
Trigg	Cadiz-Hopkinsville	9.136
Union	Louisville-Paducah	9.270
Union	Louisville-Paducah	15.044
Warren	Bowling Green-Franklin	10.500
Warren	Bowling Green-Scottsville	11.000
Warren	Bowling Green-Scottsville	2.800
Warren	Bowling Green-Franklin	2.465
Warren	Bowling Green-Morgantown	3.560
Warren	Bowling Green-Cave City	1.951
Warren	West Dixie Highway	8.467
Washington	Springfield-Bardstown	2.300
Washington	Springfield-Bardstown	7.000

County	Road Name	Miles
Washington	Springfield-Harrodsburg	12,000
Webster	Providence Spur	1.065
Webster	Dixon-Madisonville	9.699
Webster	Dixon-Henderson	9.514
Whitley	Williamsburg-Jellico	13.809
Whitley	City of Williamsburg	1.134
Whitley	Williamsburg-Corbin	17.896
Woodford	Versailles-Midway	6.350
Woodford	Versailles-Lawrenceburg	5.800
Woodford	Versailles-Harrodsburg	16.000
Woodford	Versailles-Lexington	4.040
Woodford	Versailles-Frankfort	8.298
	Grand total	2,175.209

The above is a tabulation of roads formally accepted for State maintenance by the State Highway Commission from the counties, and roads received from the Division of Construction by the Division of Maintenance. It does not include certain roads practically completed, on which maintenance acceptance reports have not been received.

Respectfully submitted,

V. P. LIGON, Office Engineer.

While our plan to continue construction has been successful, it has one handicap. Since the counties supplying funds are scattered throughout the State, our construction has necessarily been a continuation of our old patchwork system, which we had so earnestly desired to displace with a well connected system of construction, thereby connecting up, with the least possible delay, the trunk lines and the more important lines throughout the State.

Nothwithstanding the financial embarrassment the department has suffered since 1924 (of which all citizens are aware), and must continue to suffer until these old obligations are paid, a condition brought about through no fault of

the present Commission, requests and even demands have continuously come, and still come, from all sections of the State for the immediate construction of incompleted gaps in trunk lines, the construction of secondary lines, and all other kinds of lines.

There are gentlemen and journals who profess to advocate improved roads, but who oppose every effort to raise funds with which to finance their improvement, and who profess to advocate the payment of the State's debts for roads already constructed, but who take advantage of every opportunity to prevent their payment.

May I digress to suggest that these gentlemen and journals cease their criticism long enough to offer at least one constructive remedy for the consideration of the Legislature and the Highway Commission, and if they will suggest a feasible plan, I will be the first to approve it.

May I further digress for a moment to pay my compliments to and express my appreciation of that great patriotic and far-seeing organization, the Louisville Board of Trade, not only for its endorsement of the plans and purposes of the Highway Commission, but for its progressive policies and its constant desire and effort to promote the best interests of Kentucky.

The people of Kentucky through the exercise of the elective franchise have instructed us to pay as we go. We as their servants recognize their supremacy and bow to their sovereign will. Our plans for future construction must, therefore, be made according to the amount of funds supplied by the people for that purpose. If the public desire to create additional funds, we will do additional work; if they do not desire to do so, their decision will be our pleasure, for the roads belong to the people and not to the Highway Commission. We have no desire to deceive the public or to attempt to deceive ourselves. We cannot construct roads without money. We cannot meet the public demand with insufficient funds. We

can not accomplish stable results with "sweet wind" and will not attempt to do so.

By creating additional revenue, sufficient in volume to liquidate the old State aid debts, which approximate six hundred thousand ($600,000.00) dollars, and the remainder of the old obligations accruing from contracts let by the former Commission, we could immediately go to a cash basis and forthwith proceed with the completion of numerous gaps in our trunk line roads and other important construction. But we cannot do other than continue to hold up construction by State funds until our old obligations shall have been liquidated, unless a special arrangement be made for their liquidation.

If the legal advice of many of the State's most able lawyers is correct, we are now taxing for road purposes all sources of wealth that our Constitution permits us to tax for that purpose. This fact, coupled with the further fact that the people have rejected a bond issue for road improvement, brings us face to face with the question of whether we shall increase the tax rate on all of or on a part of the resources subject to a road tax to meet the emergency which confronts us, or whether we shall continue to delay construction until the present supply of revenue will liquidate our obligations and furnish sufficent funds with which to resume construction.

Approximately 87% of our road revenues are derived from motor vehicles and motor fuel. But, while that is true, motor vehicles use our improved roads almost exclusively. Therefore, if additional revenue is to be raised it should come from motor vehicles or motor fuel and not from real estate.

The Highway Commission is asking for additional funds through the imposition of an additional tax of two cents per gallon on gasoline for a period of a little more than two years, for the liquidation of the old State aid debts, and the remainder of the obligation inherited from the former Commission, all of which must be paid out of our general fund, if not otherwise provided for.

In the belief that the additional revenues mentioned would be a good and profitable investment by owners of motor vehicles who suffer useless expense as a result of operating over bad roads, and realizing the need for immediate construction of many of the State's most important roads, which cannot be started soon unless the general road fund is relieved of these old obligations, I recommend that such additional tax be imposed, to automatically cease July first, 1928.

I also recommend, in the interest of brevity, that the title of "Department of State Roads and Highways" be changed to "State Highway Department;" and that the title "Executive Secretary of the Department of State Roads and Highways" be changed to "Executive Inspector of the State Highway Department."

The law vests in this latter official, who has proved to be of valuable assistance, authority to at all times have access to the records of the Department and to make monthly reports to the executive and to each member of the Highway Commission on the business methods, activities, etc., of the department. His title does not indicate such authority, which often puts him at a disadvantage in examining the records of minor officials or employees of the department who are not familiar with the law. The change in official title would doubtless result in a better understanding and greater cooperation.

Furthermore, I recommend (a) that the laws regulating the speed at which motor vehicles shall be driven be amended so as to insure greater safety on curves and grades and permit greater speed on straight and unobstructed roads.

(b) That the Highway Commission be empowered to designate certain highways as boulevards and to place stop signs where necessary.

(c) An act to provide additional budget appropriations for preliminary surveys, supervision and other engineering contingencies.

(d) An act fixing penalties for encroachment on the rights of way of roads in the State Highway system.

(e) To further regulate and control the use of overloaded trucks and cleat wheel tractors on State maintained roads.

(f) The adoption of a joint resolution creating a legislative committee to co-operate with the Highway Department in framing and reporting to the next session of the General Assembly an act revising and simplifying all laws relating to the highways and the operation of motor vehicles thereupon.

I further recommend that provision be made to extend to employees of the State Highway Department and all other State employees the benefits of the Workmen's Compensation Law.

Grade Crossings

Our laws relating to the elimination of grade crossings should be amended, as there is no adequate law to compel railroads to finance, even in part, the elimination of grade crossings, regardless of how dangerous these may be to the traveling public.

Most of the lines operating within our State have been willing to co-operate with the Highway Department in the elimination of grade crossings, but some have refused to do so.

I recommend that the statute relating to this subject be amended so as to empower the State Highway Commission to institute in a court of competent jurisdiction necessary legal proceedings to compel a railroad company to finance one-half of the cost of construction or reconstruction of an overhead or underground crossing when in the opinion of the Commission public safety demands same. And whenever the Commission is so sustained by the court in such litigation, it be empowered to proceed with or without the consent of the railroad company to construct or reconstruct such overhead or underground crossing. In the event the company refuses or fails

to pay for one-half of such construction, the Commission should be empowered to institute legal proceedings to recover same.

Toll Bridges and Ferries

Toll bridges and ferries, of which there are a great number, are in many instances exacting exorbitant tolls from the public.

The earning power of these utilities has been increased many fold by the expenditure of public moneys on highways, and this has resulted in increased travel. Yet tolls and fares have not been reduced, in consequence of which many bridges and ferries are netting an annual return amounting to several times the capital invested.

I, therefore, recommend that these utilities be placed under the control of the Highway Commission, with power vested in the Commission to fix and regulate tolls and fares.

Department of Motor Vehicles

The use of motor vehicles for commercial purposes had grown to such enormous proportions prior to the preceding session of the Legislature as to warrant state supervision and you made provision for same by creating the Department of Motor Vehicles and providing for the appointment of a Commissioner of said Department, who acts under the dual supervision of the State Highway Commission and the State Tax Commission.

This law, which was purely an experiment, is found to need several amendments, and the dual control of the Commissioner of Motor Vehicles by the Highway Comission and the State Tax Commission is unsatisfactory to all concerned.

I therefore recommend that all necesary amendments be made to the law and that the Department of Motor Vehicles be placed under the Executive Department, the Commissioner to be appointed by the Governor.

A careful study and investigation of the injuries resulting to our highways by reason of the operation of commercial

trucks and busses convince us that these vehicles are not paying into the State Treasury revenues commensurate with the value of the franchise they enjoy, or in anywise equal to the actual damage they do the roads.

It is, therefore, most essential that the tax rate on these vehicles be increased, and I trust the subject may have your careful attention. However, great care should be exercised not to impose a prohibitory tax on lines yielding little or no profit to the operators.

Drivers of Motor Vehicles

In view of the ever-increasing fatalities incident to motor traffic, it is imperative that the drivers of motor vehicles should be placed under more rigid supervision and control.

All drivers of motor vehicles should be required to pass an examination to determine their fitness to operate motor vehicles. All drivers of commercial vehicles should be required to pass most rigid examination and should be bonded for a sufficient amount to reasonably indemnify any person or persons for injuries received as a result of their negligence.

Procurement of Motor License Tags

The office hours of some county court clerks make it impossible for many working people to procure motor license tags without loss of time from their employment, which they can ill afford, and the limited hours of many officers are insufficient for them to accommodate the public during the closing weeks of the calendar year.

I therefore recommend that the clerk of a county having a city of the second or third class be required to keep his office open twelve (12) hours per day (not including Sundays or holidays) throughout the month of December, for the sale of motor license tags; and that a clerk of a county having a city of the first class be required to keep his office open sixteen (16) hours per day for the same period and purpose.

PUBLIC SAFETY

Because of the ever-increasing fatalities on our public highways, due in the main to the defiant attitude of the road hog, the speed fiend, the bootleggers and their patrons, who have no regard for the rights of others, there is in my opinion no other problem that is so deserving of your attention as the problem of public safety on the highways.

An outraged public is suffering as a result of the activities of these criminals, and is looking to you for protection.

We have upon our statute books laws sufficient to afford the protection desired, but these laws are not enforced. It is, therefore, the question of enforcement that addresses itself to you for earnest consideration.

In the arlier days of our existence as a government, every section of our state, and every section of our entire country held sacred the principles and the doctrine of local self-government. That doctrine was sufficient to meet the needs and demands of that day and generation, for the reason that the activities—the social and commercial intercourse of the people—were circumscribed to local boundaries, and transportation was by slow and safe means, whereas, we now travel from state to state and from ocean to ocean by swift and hazardous methods of transportation.

In some localities the officials observe and enforce the traffic laws, therby affording protection to the traveling public, while in other localities the authorities ignore these laws and give the offenders who endanger the traveling public full sway, without interruption or hindrance.

Another menace that has grown to enormous proportions is the theft of motor vehicles, which can not always be successfully handled by local authorities, because of the very nature of these operations.

Some states have created public safety commissions, whose activities are confined to the apprehension, arrest, and prosecution in the courts of violators of the traffic and motor

license laws, the prohibition laws, the theft of motor vehicles, and stolen property conveyed by a motor vehicle.

The prohibition violator is included with the other classes for the reason that bootlegging by motor vehicle has grown to enormous proportions, and the further reason that a vast percentage of the accidents on public highways are caused by drunken drivers, hence the necessity of giving such a commission authority to arrest and prosecute violators of the prohibition laws.

Last year one state received in fines resulting from prosecutions by its public safety commission $57,000.00, and the commission recovered and returned $68,000.00 worth of stolen property to owners.

Therefore, in view of the pressing necessity for protection against the class of offenders here mentioned, and the relief given in other states by public safety commissions, I recommend the creation of such a commission to consist of a commissioner and deputy commissioner appointed by the Governor, with authority vested in the commissioner to appoint such assistant commissioners throughout the State as may seem necessary for the protection of the public, the commissioner to have his office in the Capitol and the deputy commissioner to be assigned to field supervision.

The commissioner and deputy commissioner should each receive a stipulated salary from the State Treasury and each assistant commissioner should receive as his compensation a liberal per cent of the fines imposed on offenders arrested and prosecuted by him. He should be required to execute and carry, so long as he is in the service, an indemnity bond for the protection of any person or persons who might recover damages against him as a result of false or unwarranted arrest.

Each assistant commissioner should be required to wear, while on duty, an official badge, and to maintain and use, when necessary, a motorcycle—both to be furnished by the State—but paid for by the assistant commissioner, returnable to the

State at a fair value should his services as assistant commissioner be dispensed with.

The creation of such a commission should give the public ample protection against the classes of violators mentioned, and would not only be self-sustaining, but would yield a substantial balance to the State in fines collected.

I, therefore, most urgently recommend the creation of a Public Safety Commission by legislative enactment. The creation of such a commission should in no way affect the duties now imposed upon other peace officers or take from them any power now vested in them to make arrests, and in localities that receive adequate protection from local authorities assistant commissioners should not be appointed or assigned to duty.

Circuit Courts

The designation of circuit judges for special service outside of their respective jurisdictions for the trial of cases where the presiding judge is disabled or disqualified, has become a great problem and an immeasurable hardship upon the executive office; likewise the selection and appointment of practicing attorneys to serve as special judges under the provisions of the acts of the Legislature of 1924 relating thereto.

Under our present law the responsibility of supplying special judges is placed upon the shoulders of the executive but he has no power to force a judge, even though the judge may be at leisure, to obey a call to do special duty. Such authority should never be vested in the executive.

Our government is divided into three branches; the legislative, the judicial and the executive. It is the duty of the legislative branch to enact the laws, the duty of the judicial branch to interpret the laws, and the duty of the executive branch to enforce the laws. While the three branches coordinate, they are separate and absolutely independent of each other, and must so continue if our Constitution and our institutions are to endure. I would therefore disapprove any

legislation giving the executive power to control or penalize for neglect of public duty any judicial officer of any rank, but such authority should exist somewhere. In my opinion there is only one person in whom it could properly vest and that is the head of the judicial branch of the government, the Chief Justice of the Court of Appeals.

Courts have the power to summon jurors and force them to serve; to summon witnesses and force their attendance. The head of the judiciary should have power to detail regular judges to do special service when not engaged in their respective jurisdictions, and to appoint lawyers as special judges when necessary. He should also have power to issue a rule against any person failing to obey such detail or summons when good and sufficient reasons cannot be shown for such failure.

I, therefore, recommend that legislation be enacted vesting in the Chief Justice of the Court of Appeals the powers herein set out.

Such legislation would not, of course, relieve the executive of his constitutional duty to commission any judge whom the Chief Justice might detail or appoint.

Power of Parole by Courts

There are in the jails of the various counties men convicted on two or more misdemeanor charges, where fines have been assessed and imprisonment imposed, who are unable to pay any part of the fine, which necessitates their remaining in jail for periods ranging from two to three years.

In my opinion, no man should be required to remain in jail for a greater period than one year (where he gets no exercise and but little ventilation) since he can be employed in no gainful occupation, which imposes upon the county the entire burden of his maintenance for the full period of his confinement.

This condition should be remedied by the enactment of a statute that will automatically make two misdemeanor con-

victions imposing a jail sentence for more than one year (including any unpaid fine or part thereof) a felony, and the time that would be served in jail served in the State Reformatory. Or else a law should be enacted vesting in the trial judge the authority to parole a prisoner on good behavior at the expiration of one year of jail service. The executive could interpose clemency in such cases, but it is my opinion that parole by the trial judge would be conclusive of far better results.

Our Trial System

During my two years' service as Governor many things have come to my attention to impress upon me the defects and inequalities of our trial system.

In numerous instances different juries in the same county have imposed vastly different punishment for identical offenses, in some instances one jury imposing the minimum and another jury imposing the maximum penalty on offenders of equal mental responsibility and equal guilt.

In numerous other cases co-defendants of equal mental responsibility and equal guilt have been tried by different juries and given entirely different punishment.

The ever pressing requests for executive clemency, coming as they do in many instances from our best citizenship, including circuit judges and prosecuting attorneys, who give as their reason for such requests that the sentence imposed by the jury was too severe, convince me that our trial system should be revised.

It is my opinion that the certainty of punishment of all offenders is a greater deterrent to the commission of crime than the imposition of extremely severe punishment on a few offenders. But whether punishment be light or severe it should be as nearly uniform as it is humanly possible to make it.

A defendant is entitled to his constitutional right to have a jury of his countrymen determine whether he is guilty. But after a jury has determined that he is guilty, it is my opinion

that the trial judge should fix his punishment: (1) Because the judge has a trained legal mind and is accustomed to hearing criminal trials and is better qualified than a layman, who in all probability never even had previous jury service, to fix the penalty of the defendant. (2) Because the judge, with the assistance of his Commonwealth attorney, with whom he would doubtless confer in fixing the penalty of a defendant, would be more capable of properly weighing elements of fact, elements of doubt and elements of responsibility than would the average juror.

With the judge fixing the penalty it is reasonable to assume that he would impose the same punishment upon all offenders of equal guilt and equal mental responsibility within his jurisdiction, and that by discussion and comparison in circuit judges' associations the same principle of uniformity would ultimately obtain throughout the State.

In the federal courts all penalties are determined by the trial judge. The same is true in the courts of the more progressive states of the union, and is to my mind a marked improvement over our present system.

I, therefore, recommend that you enact legislation requiring trial judges of Kentucky to fix the penalty for all offenders convicted in their courts.

Courts Reporters

With our modern methods of court procedure, the Court Reporter is indispensable; but the compensation allowed reporters in the sum of five dollars ($5.00) per day was fixed at a time when salaries in private employment and living expenses were not comparable to salaries and living expenses at this time.

This condition makes it almost impossible to secure the services of reporters in many of the courts of the Commonwealth.

I, therefore, recommend that you fix the compensation allowed Court Reporters at not less than ten nor more than fifteen dollars per diem, in your discretion.

MAGISTRATES' COURTS

Since the enactment of the Rash-Gullion Act, many justices of the peace of the State are trying more cases and assessing more fines than many of our circuit courts. For this reason every statute applicable to procedure in the circuit courts should be made applicable to the procedure of magistrates' courts or else they should be deprived of criminal jurisdiction. The records of the magistrates' courts at best are very meager indeed. The work that they are performing as courts with criminal jurisdiction is a very important factor in law enforcement in the State, and if criminal jurisdiction is to remain with them, then a strict compliance with the procedure of circuit courts should be required in the matter of handling cases wherein the Commonwealth is so vitally interested.

I, therefore, recommend the enactment of such amendments as may be necessary to accomplish that result.

COUNTY GOVERNMENT

The present fiscal system of the counties is inadequate, for the reason that it is too often left to county officials as to whether they will conform to the statutory requirements in the administration of the fiscal and financial affairs of the county.

In many counties it would be impossible for any citizen, by even most diligent search, to ascertain how much revenue the county is exacting from the people in taxes and how, by whom, and for what purpose that revenue is being disbursed. Such a system will most assuredly breed negligence, and in many instances gross extravagance, in the handling of the county's finances.

I recommend that the fiscal system of the county be changed; that each county be required to create a budget commission and live within the budget fixed by the commission; that the county treasurer be made a member and secretary of the budget commission; that he receive and disburse all

county funds, and at all times keep his records open to public inspection; that the State Inspector and Examiner be empowered and required to install in each and every county of the State a simple and uniform system of accounting and that laws necessary to compel all county officials to conform to such system of accounting be enacted.

In 1914 the Legislature provided by enactment for a uniform system of accounting, and by the terms of that act all public officials collecting or disbursing public money are required to keep certain designated books after July 1, 1914, as directed by the commission authorized to establish this uniform system of accounting. This act provides a penalty of not less than $25.00 nor more than $500.00 for each offense whenever an official shall refuse to use any book, blank, receipt, or report, so adopted, or to make any report required by the commission. But many officials have entirely ignored this system and have no business method of handling their county's business.

If this system were properly carried out by the officials collecting and disbursing public funds, much trouble given the State officials of Kentucky today would be avoided, greater economy would result to the county and the loss of revenue to the State would be materially reduced. Under the present statute the State Sinking Fund Commission is charged with the responsibility of putting this uniform system of accounting into force. I recommend that this authority be transferred to the State Inspector and Examiner, and there should be sufficient appropriation made annually for the purpose of enabling that department to carry out the full intent and meaning of the statute.

Failure to furnish the State Inspector and Examiner with sufficient funds to enable him to properly look after the State's interest is in line with the old practice of gagging at the gnat and swallowing the camel, or of saving the gnat and losing the camel, a practice Kentucky has too frequently indulged in for her own good. But this act will never become effective,

in my judgment, until the Legislature enacts a law authorizing the commencement of civil and criminal procedure in the Franklin circuit court, the fiscal court of the Commonwealth, against every violator of the uniform system of accounting.

I therefore recommend that a law be enacted making it the duty of the State Inspector and Examiner to report every violation of every section of the uniform system of accounting act, whenever such violation has been discovered, and that all the facts be either presented to the grand jury of Franklin county for its investigation, or that the department be authorized to institute prosecutions in said circuit court in the name of the Commonwealth, immediately upon its ascertainment of a violation of any of the sections of the uniform system of accounting act.

County Jails

Many of the jails of Kentucky, by reason of lack of room, lack of ventilation, and the long periods for which they have been used in that condition, are incubators of tuberculosis, syphillis and other contagious diseases.

A youth may be committed to one of these relics of the dark ages in a perfect physical condition and released at the expiration of his sentence the victim of a ravaging, and possibly a deadly, disease to waste and die and probably to infect others who come in contact with him.

Such a condition is inexcusable and indefensible in any county or municipality of this Commonwealth, I care not how poor it may be; and any county or municipality that fails to provide a properly ventilated and sufficiently sanitary jail for the confinement of its prisoners should be forced to do so, and should meanwhile be required to transfer its prisoners to some other county having adequate facilities until it is prepared to properly care for them.

I therefore recommend legislation that will accomplish such a result.

LOSS OF PUBLIC FUNDS

Another matter that calls for your most earnest consideration is the constant loss by the State of amounts due from counties on fines and forfeitures.

This is an old practice in Kentucky that has long since challenged the attention of the Legislature.

In 1893 the Department of State Inspector and Examiner was created in the hope that that department would be able, by continuous inspection, to stop this momentous loss of revenue to the State.

But that departmnet has failed to accomplish the results desired, for the following reasons:

First: Because the department has never had sufficient funds to enable it to employ a force adequate to meet the problems confronting it.

Second: Because the law creating this department was designed to find shortages after they occurred, rather than to prevent their occurrence. In brief, it is the old policy of locking the barn after the horse has been stolen.

Third: Because when officials are found to have converted to their own use State funds collected by them, or fail by their own neglect to collect judgments due the Commonwealth, either criminal or civil procedure against them must be prosecuted in the courts of their respective counties where it is often difficult for the State to secure conviction or recover a judgment and where, in many cases, the cost of civil litigation would exceed the amount recovered.

In a recent report to me the State Inspector and Examiner said in part:

"During the last six months, I have extended the matter of investigations in an effort to ascertain what judgments in favor of the Commonwealth are unsatisfied in the circuit courts, magistrates' courts, and in the courts of the county judges of the State. This investigation has revealed a condition which is appaling. In sixteen counties, I have found that, at the time of the investigation of such counties, there

were unsatisfied judgments in favor of the Commonwealth aggregating over $150,000.00. I wish to emphasize the fact that these judgments were all entered during that period of time covered by the examination and in no instance was a judgment reported which was entered prior to the date of the last examination.

"It is very difficult to estimate the aggregate of uncollected judgments now of record in all of the various counties of this Commonwealth but, taking these counties that have been investigated as a basis for estimation, I feel that it would be safe to estimate that the aggregate of uncollected judgments in favor of the Commonwealth at this time would be something near a million dollars. To this vast sum must be added many thousands of dollars which have been collected but never paid over to the Commonwealth. The ascertainment of this information, however, is of little value to the State of Kentucky unless something is done in an effort to collect these judgments or to see that the defendants against whom fines and jail sentences have been imposed are compelled to satisfy these judgments.

"The information as to unpaid fines in every circuit court should be available at all times. Every circuit court clerk of the Commonwealth is required, by the provision of section 4245 of the Kentucky Statutes, to make out and forward to the Auditor of Public Accounts some time in the month of June of each year a full and complete list of all unpaid judgments in favor of the Commonwealth, showing at what date capias or other process issued, to whom delivered, what return has been made and the date thereof, and, upon failure of the clerk to perform this important duty, the law provides that he shall be liable upon his official bond for the amount of the judgment, interest, and costs to which said failure is applicable. This same provision of the statutes should be made to apply to all courts having authority to enter judgments in favor of the Commonwealth.

"An investigation of the records in the office of the Auditor of Public Accounts discloses the fact that less than five per cent of the circuit clerks of the State file this report.

"The machinery fixed by the legislature for reporting and collecting judgments in favor of the Commonwealth has but few defects and needs amendment in but few instances and the failure of so many public officials to comply with these mandatory requirements has been very destructive of the ends sought to be attained and has brought about a condition in many counties of the State bordering closely on to chaos.

"In some instances, the penalty for the failure of an official to observe these statutory requirements concerning judgments rendered in favor of the Commonwealth seems to be adequate while in others it is not. The greatest difficulty lies in the fact that there is no particular person designated by law whose duty it is to see that the penalty is enforced against the official who fails to observe these statutory requirements. Additional legislation is demanded if it is expected to enforce the law relating to the collection of judgments in favor of the Commonwealth.

"Under section 130 of the Kentucky Statutes, it is the duty of the county attorney to investigate and inquire into the condition of all unsatisfied judgments in his county in favor of the Commonwealth, and to take all necessary steps, by motion, action, or otherwise, to collect or cause the same to be collected and paid into the State Treasury. Some county attorneys of the State are diligent in the discharge of this duty imposed upon them, others are not. In some counties of this State, judgments amounting to thousands of dollars in favor of the Commonwealth have been standing unsatisfied for years and no steps taken to have the bail bond of the defendant forfeited. In many instances, bail bonds have been forfeited and no judgments taken thereon, while in other cases judgments have been rendered on bail bonds and the executions issued thereon have been returned by the sheriff uncol-

lected. In some instances, the failure to collect such executions is due to a lack of diligence on the part of the sheriff, while in other cases, the fault lies in the fact that the surety on the bail bond was insufficient. When an officer takes an insufficient bail bond, he becomes liable to the Commonwealth for the amount of the judgment and he should be required to pay it since it is by his negligence that it is made impossible for the Commonwealth to enforce its judgment against the accused or his surety. In many cases reported to me, officers have taken insufficient sureties on replevin bonds; thus again the officer taking such insufficient surety on a replevin bond is liable to the Commonwealth and should be made to satisfy the judgment of the court because, by taking an insufficient surety on a replevin bond, the Commonwealth is prevented from imprisoning the defendant for the satisfaction of the judgment, and, in many instances, the defendant is thus permitted to go without punishment of any kind.

"The surety on any bond taken for the benefit of the Commonwealth should be required to sign a sworn statement as to the property, real and personal, which such surety possesses and the property should be so described as to enable the officers of the Commonwealth to identify it and, in cases of real estate, the deed book wherein the deed to such property is recorded should always be required to be given. This requirement, of course, would not apply to bonding companies authorized to become sureties on any bond executed by such company as a surety.

"Under section 130 of Kentucky Statutes hereinbefore referred to, it is plainly the duty of the county attorney to take the necessary steps in each case wherein a judgment in favor of the Commonwealth has not been satisfied and, in the event the county attorney fails to take such necessary steps, he should become liable for the amount of such judgment, or at least he should be deprived of any per centum of such judgment if same is thereafter collected by some other department of the State government. It is as much the duty of the county

attorney to look after the collection of judgments in favor of the Commonwealth entered in the courts of his county as it is his duty to prosecute the accused upon the trial of the case, and, in the event he fails to discharge either of these duties, he should be deprived of any per centum of the judgment when collected and legislation to that end should be enacted.

"I do not want to be understood as criticising any public official in the State who has performed his duty, for I am not criticising, and the suggestion made, if enacted into law, will not affect any officer who discharges his duty, but it will affect any who does not discharge his duty and such officer ought to be affected by such legislation."

I will add in this connection that in the investigations recently made by the State Inspector and Examiner one county was found to owe the State $35,000.00 in fines and forfeitures, and in the same county there was an aggregate of twenty-three years of unsatisfied jail sentences. Another county was found to owe the State $23,000.00, and in still another county a justice of the peace was found to be short for more than $4,000.00 in cash which he had collected for the State.

The State maintains courts at heavy expense for the protection of society through the prosecution and punishment of crime. By such derelictions on the part of local officials the State is not only losing vast sums of money due it from fines and forfeitures, but society is losing the protection to which it is entitled from the courts by their failure to punish the lawless.

Local officials should not be permitted to determine who shall and who shall not pay fines and forfeitures, or serve jail sentences imposed by the courts; moreover such officials should not collect and appropriate to themselves the State's money and then be permitted to escape prosecution through the favor or the dereliction of local courts.

I agree with the Inspector and Examiner that the weakness of our system of collecting fines and forfeitures is due

to the fact that there is no central power vested anywhere for the purpose of enforcing collections. There is not a private commercial institution in this world that could escape bankruptcy and financial ruin with a like system of collecting accounts.

I recommend that the Department of State Inspector and Examiner be made the State's chief collecting agency and that the State Inspector and Examiner be empowered and required to formulate uniform plans by which Commonwealth attorneys, county attorneys and other officials shall protect the interest of the State in the collection of fines and forfeitures. Furthermore, that whenever a Commonwealth's attorney, or county attorney as the case may be, shall let a term of court pass without taking necessary legal steps to collect moneys due the State, that the State Inspector and Examiner shall be empowered and required to proceed in the Franklin county circuit court, the fiscal court of the Commonwealth, to make such collection, nad that neither a Commonwealth's attorney nor a county attorney shall share in any fine or forfeiture or other claim thus recovered by the State Inspector and Examiner.

The inauguration of the system suggested would bring to the State Treasury hundreds of thousands of dollars that it is now losing, and would make the courts more effective in the suppression of crime.

Furthermore, I recommend an act requiring all sureties on all bonds in favor of the Commonwealth to make an affidavit as to the real and personal property owned by such surety and that said personal property be so described as to be easily identified; that a general description of the real estate be given and that the real estate owned by the surety be further identified by giving the county in which same is located and the deed book and page thereof on which said deed is recorded, as shown by the records of the clerk of the county court of said county.

I recommend the enactment of a law requiring all arresting officers who take bail bonds to file same with the affidavits at the time he makes his return on the process in his hands, and that said bond and affidavit be recorded by the clerk of the court to which same are returned, and that certified copies thereof may be used in any court having jurisdiction for the purpose of enforcing the terms and conditions of the bail bonds.

I recommend the passage of an act authorizing and directing the State Inspector and Examiner to take all necessary steps in the Franklin circuit court to procure forfeitures of bail bonds and judgments thereon whenever it appears from a report made that one term of the circuit court has passed and no forfeiture has been taken and the defendant has not been apprehended.

Supersedeas Bonds

There is now due the Commonwealth many thousands of dollars on account of appeals prosecuted to the Court of Appeals of Kentucky in cases where supersedeas bonds have been executed. The purpose of the supersedeas bonds in all cases of appeals is to stay the hand of the Commonwealth in the collection of its judgments and to guarantee that same be satisfied in the event the judgment is affirmed. If the appellant is insolvent, there is no way to enforce the judgment of the court or to collect the costs going to the Commonwealth except by suit on the supersedeas bond. The amount involved in most cases is small, yet in the aggregate it means thousands of dollars to the Commonwealth. To prosecute a suit in each case would practically amount to a confiscation of the fees due the State, and there is no plausible reason why the Commonwealth should not be permitted, upon the affirmation of a case, to collect by execution the fees due it.

I therefore recommend the enactment of a law requiring that all supersedeas bonds have the force and effect of a replevin bond, so that execution may issue thereon immediately upon the affirmation of the case.

REPORTS OF OFFICIALS WHO COLLECT PUBLIC FUNDS

I recommend that section 2286 of the Kentucky Statutes be so amended as to impose suitable penalties for failure of any officer required by said section to make report to the trustee of the jury fund, and inasmuch as county judges and magistrates have no fixed term of criminal court, such officers should be required to file their reports either in person or by registered mail with the trustee of the jury fund on the first Monday of each month.

I also recommend that section 2289 of Kentucky Statutes be so amended as to impose suitable penalties for a failure of the trustee of the jury fund to perform the duties required of him by statute.

I further recommend that you pass an act requiring every public official who collects funds for the State to deposit same in some designated depository or depositories to the credit of the State Treasurer, the same day such collections are made, when possible to do so; and if not possible to make deposit on the same day collection is made, to do so within a period of time not to exceed three days; that a deposit slip be forwarded to the State Treasurer on the day that deposit is made, and a duplicate deposit slip be forwarded to the Auditor of Public Accounts. If this be done, the money collected by public officials for the State will immediately be placed to the credit of the State, where it belongs, thereby relieving those who collect it of further responsibility, and also preventing those who might be so inclined from converting it to their own use and ultimately showing up short in their accounts, which is too often done.

COUNTY AND COMMONWEALTH ATTORNEYS

It is possible under our method of compensating county attorneys for them to receive Five Thousand ($5,000.00) Dollars per annum and several county attorneys are receiving that amount.

The Commonwealth's Attorney is paid a salary of Five Hundred ($500.00) Dollars per annum and permitted to share in the fines and forfeitures of his district to the extent of Three Thousand Five Hundred ($3,500.00) Dollars, making his maximum compensation Four Thousand ($4,000.00) Dollars per annum.

If Commonwealth's Attorneys were permitted to receive only thirty per cent of the fines and forfeitures and permitted to share in same to the extent of Four Thousand Five Hundred ($4,500.00) Dollars, and placed under more rigid requirements to look after and press the collection of fines and forfeitures the State would receive a great deal more revenue from these sources.

I therefore recommend such a change in our law as will produce this result.

Under our present system, many Commonwealth's Attorneys collect their maximum in fines and forfeitures during the first few months of the year. If a Commonwealth's Attorney, who has been paid the maximum of Three Thousand Five Hundred ($3,500.00) Dollars from fines and forfeitures, should die or resign, his successor would likewise share in fines and forfeitures, and in many instances would collect the maximum of Three Thousand Five Hundred ($3,500.00) Dollars during the very same year for which his predecessor had collected that amount. In such case, the office of Commonwealth's Attorney for that district would cost the State of Kentucky the sum of Seven Thousand ($7,000.00) Dollars from fines and forfeitures for that one year. This is a situation that is not at all impossible but frequently occurs.

I cannot beleive that it was ever intended that any County Attorney or Commonwealth's Attorney should be paid during the first few weeks of any calendar year the maximum amount that he would be entitled to receive had he discharged the duties of said office during the entire year.

The Court of Appeals of Kentucky has held that the calendar year is the unit in determining the compensation of a

County Attorney or a Commonwealth's Attorney, for which reason it appears that the amount to be paid these officials from the treasury each month should never exceed one-twelfth of the maximum amount that can be paid for the year. If our law is not clear on that point, then it should be so amended as to divide the payments into twelve installments, neither of which should exceed one-twelfth of the maximum amount that could be paid for the full year.

DEPARTMENT OF BANKING.

Our Department of Banking has never functioned more successfully or given more efficient service to the State than at the present time. Its efficiency could be materially increased and the public interest better protected, however, by the amendment of certain Statutes relating to the Banking Department and the enactment of some additional laws which I recommend as follows:

Power should vest in the Banking Commissioner to refuse charters to new banks, trust companies or combined banks and trust companies, when, in his opinion, additional banking facilities would be unprofitable, unnecessary, and disastrous.

Officers and directors of banking corporations should be required to report discrepancies, embezzlements or shortages to the Banking Commissioner within thirty days of discovery. Anyone failing to do so should be punished by a fine of from one hundred to five thousand dollars.

It should be made the duty of the Banking Commissioner to report any violations of the banking laws of this Commonwealth which are subject to fine or imprisonment to the Commonwealth's Attorney of the district in which such violation is committed, and to assist in the prosecution of any person or persons so violating the said laws.

It is my opinion that some banking officials take entirely too much liberty in lending to themselves money of their depositors without proper security and without the knowledge of the directors of their institution, which practice should be

prohibited. I would therefore recommend that any officer, director or employee of any bank, trust company or combined bank and trust company, who shall, in any way obtain as a borrower any of the funds of such bank, trust company or combined bank and trust company, without first executing his note or other evidence of debt therefor bearing the written consent thereto of a majority of the Board of Directors of any such bank, trust company or combined bank and trust company endorsed on such note or other evidence of debt, be deemed guilty of a felony.

Any officer, director or employee of a bank, trust company or combined bank and trust company, who knowingly overdraws his account in such bank, trust company or combined bank and trust company, and any officer, director or employee of such bank, trust company or combined bank and trust company who knowingly permits the overdraft by an officer, director or employee of such bank, trust company or combined bank and trust company without first procuring the written consent thereto of a majority of the Board of Directors of such bank, trust company or combined bank and trust company, should be deemed guilty of a misdemeanor.

There should be a limit of indebtedness placed on all banks and trust companies not to exceed one and one-half times their capital and surplus.

There seems to be a conflict between Section 612-a relating to the minimum capital stock of a bank, trust company or combined bank and trust company and Section 598b-1, which should be corrected.

Penalties should be provided for the filing of a false report with the Banking Commissioner as set forth in Section 165a-10 of the Kentucky Statutes, by an officer or officers of a bank, trust company or combined bank and trust company, so that an officer or officers so filing such false report could be proceeded against under the general statutes pertaining to false swearing.

Section 577 of the Kentucky Statutes should be so amended as to require a minimum capital stock of $25,000.00 for the establishment of a new banking institution.

Section 551 of the Kentucky Statutes should be amended so as to require each director of any bank or trust company to own unpledged at least five shares of the stock of said company and to take an oath of office.

All mortgage or finance companies, or other corporations offering bonds or investments for sale to the general public, secured by mortgages on real estate or any other property, should be subject to examination by the Banking Commissioner as is provided for banks in Section 165a-8, and should be charged a fee for such examination as is now assessed against banks and should be required to furnish reports, as is now required of banks, and such other information as the Banking Commission may deem necessary.

The Blue Sky Law should be materially amended for the protection of the general public.

SECRET BROKERS.

From careful study, I am forced to believe that a secret practice has been followed by certain individuals and groups that has indirectly cost the State fabulous sums of money in the construction of public improvements and the purchase of supplies, namely, the operation of secret brokers who convince some people who do construction work, or who have supplies to sell, that they must have a secret political representative in order to secure State business. The party creating this impression enters into a secret contract with not only one, but many firms, to conduct political manipulations that will result in their getting a share of the business, the self-represented manipulator to receive a commission on all contracts or sales made, notwithstanding the fact that each firm employing such secret broker or representative may have its regular, legitimate salesman who presents his wares in an open, legitimate way.

These self-styled political manipulators become a menace to the body politic by their continuous political activities. They are not prompted by principle, but they endeavor to keep alive a political reputation that they may continue to deceive the construction and supply firms whom they secretly represent, claiming that it is they who really secure the business for them in order that they may continue (illegitimately) to receive commissions. They deceive the firms they represent and do a gross injustice to their State by creating in the commercial world the impression that the State's business can only be secured through political manipulations.

The Federal government and many of the states, including Kentucky, have legislated against the lobbyist.

In my opinion, the secret broker is a greater menace than the lobbyist, because the secret broker thrives only by reflecting on his State government and creating false impressions of it. I, therefore, urge with all the earnestness I possess that you legislate him out of his illegitimate business and bring an end to his pernicious activities.

To accomplish that result, I recommended that you enact a law requiring every person, firm, or corporation who submits bids for contracts for the construction of roads or other public improvements; or for the purchase of books, merchandise or supplies of any character whatsoever, to submit with each bid the name of each and every salesman, broker, attorney or representative in any capacity whatsoever who would profit by such contract or sale, either by commission, salary, or wage. Also require every person, firm or corporation who shall execute a construction contract, or who shall sell merchandise, books, wares or supplies of any character whatsoever, to the State, to submit with each invoice the name and address of each salesman, broker, attorney or representative in any capacity whatsoever, and the salary, commission, compensation or wage paid to each. All such reports should be submitted in duplicate to the Secretary of State, who should

be required to enter them on a record book to be at all times open to the public.

Every one of business experience knows that all salaries or commissions paid or other items of expense incurred in securing a contract or in making a sale of merchandise, is included in the price of said contract or the cost of said merchandise.

The State of Kentucky is therefore indirectly paying all such items of expense.

If you will enact a law that will uncover and expose to public gaze all secret brokers and representatives, you will drive them out of business and thereby save to the State of Kentucky the commission or salaries paid them. Furthermore, you will rid the State of Kentucky of their infernal political activities when they can no longer commercialize same.

CENTRAL PURCHASING AGENCY

The expenditures of the State for supplies of various kinds are enormous, but due to our system or lack of system, a large percentage of these supplies are purchased by people unfamiliar with production and values and uninformed as to current prices.

No business institution having to buy even a minor percentage of the amount of supplies purchased by the State of Kentucky would think of doing so through other than a trained buyer, who would save to them many times his salary in better values, better prices and better deliveries than an inexperienced buyer could possibly secure. Furthermore, a central purchasing agency would prevent much duplication, which always results in waste.

I therefore recommend the creation of a central purchasing commission, with authority to purchase all State supplies of every character, except such supplies as are now purchased under the direction of the Text Book Commission.

The personnel of the Commission should consist of three members, viz.: a Commissioner to be appointed by the Gov-

ernor, and who should serve as chairman of the Purchasing Commission, a representative of the Board of Charities and Corrections, to be selected by said Board, and a representative of the State Highway Department, to be selected by the Highway Commission, neither of the latter to receive additional compensation by reason of their services as members of the Purchasing Commission. The commissioner should be a man of experience and recognized ability in the purchase of merchandise, who should be required to devote his entire time to the duties of his office and who should receive a salary commensurate with his responsibilities.

The creation of such a commission would add to the general expense the amount of the salary of the chairman of the commission, the expense of one stenographer, and possibly one bookkeeper, but would save to the State many, many times their cost.

Water Power

The production of electric current by hydro-electric power is one of the coming industries of the not distant future. Kentucky has, in my opinion, more potential water power than any other section of equal size. Development of this power has already begun and will, I have no doubt, continue with great rapidity, but we have no general law to safeguard the interest of the public in the development and utilization of this great source of wealth, or to protect the legitimate against the designing promoter.

I, therefore, recommend that you enact such laws as seem necessary to promote legitimate development and protect public interest.

State Parks

The great State and National Parks of the west have, in my opinion, contributed more to the upbuilding and the growth of the sections in which they are located than any other enterprise. Only recently has the eastern section of our country (including our own State) manifested an interest in

the establishment and maintenance of parks, but that interest is now becoming prevalent throughout the eastern half of the United States.

The preceding session of the Legislature created a State Park Commission to make investigations and recommendations to the present session on the subject of the establishment and maintenance of public parks. This commission has given its time unselfishly to the duties entrusted to it and will in due course make its recommendations to you, for which I bespeak your earnest consideration in the hope that Kentucky, which has more scenic beauty, more natural park territory than any other section east of the Mississippi river, may join in this progressive movement.

Our sister state of Indiana is now establishing a number of state parks which, I am informed, are not only self-sustaining, but are yielding a nice return to the state by the collection of a nominal admission fee of ten cents.

Mineral Resources and Base Mapping

Kentucky with its more than forty thousand square miles, is richly endowed with natural and mineral wealth. Coal, iron, gas, potters' clay, flint fire clay, mineral waters, rock asphalt, fluorspar, and many other minerals abound. Although the State's mineral resources are now only about 25% developed, their value within recent years has attained the annual figure of about $200,000,000.00. At the present time 51% of the area of Kentucky is topographically base mapped. The fact that nearly one-half of this State is unmapped is the direct cause of annually diverting many millions of dollars of investment from Kentucky into such adjoining states as Ohio, West Virginia, and others, which are one hundred per cent base mapped at the present time.

In order to build up industry, increase invested capital, facilitate highway construction, and produce a more widespread and lasting prosperity, Kentucky needs to complete at once her topographical base map. For this purpose an

appropriation of $75,000.00 annually for the next biennium is recommended, to be used by the Kentucky Geological Survey in dollar for dollar cooperation with the United States Geological Survey, in a comprehensive program, which will early complete this needed mapping inventory of the State's area and mineral wealth. At the same time the present annual appropriation of $40,000.00 for geological investigation of road materials and other important mineral resources should be maintained.

KENTUCKY CRIPPLED CHILDREN COMMISSION

At the last session of the General Assembly, you created a Crippled Children Commission with an annual appropriation of ten thousand ($10,000.00) dollars. This commission is composed in the main of some of the best business men in Kentucky. It has wisely and economically expended the funds at its disposal, and considering the limited means allowed for its support, has accomplished marvelous results in effecting the improvement and even the cure of crippled children. But the revenue furnished has been wholly insufficient to meet its needs.

Aside from the humane principles which constitute the foundation of this work, and which are of paramount consideration, the economic saving to the Commonwealth and to society by making these children self-sustaining instead of leaving them to become helpless charges on society, would, in my opinion, be the most profitable investment the State could make.

I am informed by the Commission that because of the great number of crippled children in the State (due largely to the ravages of infantile paralysis) it will require one hundred thousand ($100,000.00) dollars annually for the next two years to meet the demands upon it. Therefore, in obedience to the dictates of humanity, and in keeping with the principles of sound economy, I recommend the appropriation of that amount to the Kentucky Crippled Children Commission.

PARDON ATTORNEY

The records disclose that the present Governor has issued less than one-third the number of pardons that were issued by either of his immediate predecessors within the same length of time. But notwithstanding that fact, applications and pleadings for pardons have not diminished but these increase as the number of inmates in the penal institutions increases.

From November 1, 1924, to November 1, 1925, more than ninety per cent of my office hours, and in addition to that many nights as late as eleven and sometimes twelve o'clock, have been spent listening to requests and pleas for pardons.

These pleas have continuously come from every class of our citizenship, including trial judges and prosecuting attorneys, every week of my tenure of office. In fact, I have not been entirely able to escape the ordeal during the time set apart for the preparation of this message, notwithstanding the fact, that I have employed every peaceable method known to the mind of the average man in my efforts to do so.

Realizing as every Governor must, that it is impossible under our present system of handling applications for pardons to escape this time-consuming, life-sapping, nerve-wrecking onrush for pardons, I pause to ask myself and to ask you the question: For what was the office of Governor created? Was it created and is it maintained as a governmental necessity with important functions that must necessarily affect the State for good or for ill, according to the efficiency or inefficiency with which these functions are performed, or was it created chiefly for the purpose of hearing pleas for executive clemency?

If the former, then the Governor should be relieved of personally hearing applications for pardons. If the latter, then the title of the office should be changed from Governor to pardon attorney, so that the occupant might be relieved of the many other pressing demands upon his time and give it

exclusively to his chief duty, that of considering applications for pardons.

But since we all agree that this time-consuming problem of hearing applications for pardons is insignificant in importance compared with the multiplicity of importance duties that the Governor must meet and properly discharge; if the public interest is to be served, protected and promoted, I ask you to provide some method of relieving the Governor of the burden of personally hearing the countless applications for pardons, fully ninety-eight per cent of which are without sufficient merit to warrant the interposition of executive clemency.

When our constitutional fathers vested in the executive the power of clemency, they imposed on him the obligation to grant same when in his opinion justice and mercy demand it. Furthermore, one of the fundamental principles of our government is the right of petition that belongs to every citizen. Therefore, every citizen, bond or free, has a right to petition his government for the redress of what he believes to be an injustice where the law provides for such redress. To deny that right would strike at the foundation and the fiber of our institutions.

As previously suggested, in all probability not more than two per cent of all applications for pardons possess sufficient merit to warrant the interposition of executive clemency. But the obligation upon the Governor to extend clemency where it is merited is a great, yes greater, than his obligation to refuse it where it is not merited. Therefore, in order to know whether a plea for clemency is meritorious he must study each case sufficiently to discover its merit or lack of merit, or else have some one do it for him.

Some states have pardon boards who are empowered to grant pardons, while others have pardon commissions who hear and consider all pardon cases and pass them on to the executive with a brief synopsis of the facts.

The federal government and several states as well have a pardon attorney who hears the application for pardon and passes it on to the executive with a brief and concise statement of the facts of the case.

I consider the latter method preferable. I, therefore, recommend that you create the position of pardon attorney to be appointed by the executive and removed by him at will. If this be done the executive can then devote his time to problems of more importance and greater value to the State.

Prison Labor

Prison labor is a problem that has challenged the attention and taxed the mentality of philanthropists and statesmen from the establishment of penal institutions to the present hour. The proper employment of the prison population is not only essential to the State from an economic standpoint, but is still more essential to the welfare of the prisoners themselves.

The question as to the best method of supplying that employment is and has always been one of our greatest problems.

In the absence of other and more desirable methods of employment, contract labor in factories maintained in connection with penal instituitons have been regarded by Kentucky and many other states as a necessity. But at best this can only be regarded as a necessary evil, for the reason that in too many instances it is the policy of contractors to extract each day from the prison laborer every ounce of his strength and endurance, thereby imposing hardships that could not be negotiated for any reasonable consideration, if at all, in private employment. Furthermore, the profits of such employment go to the employer, whereas they should go to the dependent wives and children of the prisoners who have such dependents.

Every laborer, bond or free, should give honest, faithful service, but none should be taxed beyond his power of endurance.

No attendant of any penal institution upon whom rests the responsibility of supervising prison labor for contractors, should ever permit the imposition of inhumane tasks, but it is sometimes done.

When a citizen by infraction of the law places himself in the criminal class he forfeits his right to liberty and makes himself a ward of the State for the period of his confinement. However, the tasks and burdens imposed upon him, be they few or many, are not the greatest hardships growing out of his confinement. The hardships imposed upon and the privations suffered by his dependents, if he be the head of a family, are far greater than those endured by the prisoner himself. The poverty and need of the wives and children of prisoners —the innocent victims of their tragedies—is a problem that addresses itself to the State and to society for solution, and is one that should be solved.

Prison laborers are regarded by many who have had experience with them as being nonproductive and unprofitable, but it is highly probable that conditions under which they labor contribute to that result.

In my opinion, the State should manufacture, with prison labor, its own supplies of every character and kind, when at all practicable to do so, and should also produce food products for all State institutions.

The eight charitable and corrective institutions of the State feed a population of approximately eight thousand five hundred people, including inmates and certain attendants, and clothe all inmates. If we should make an estimate of the amount of food and other supplies required to sustain a city of that size, we would more readily appreciate the service that could be rendered to the State by prison labor in the production of food, the manufacture of wearing apparel and other necessary supplies.

In my opinion with a system of that character, with each man placed on a production basis, with a certain per cent of his earnings, say from 25 to 50 per cent to go to his depend-

ents, prisoners would increase their production, be more contented, and return to society at the end of their term of service better citizens.

However, the greatest benefit would be their contribution to their families, which contribution would impose no financial burden on the State, but would be the result of increased production motivated by the thought that their families would reap at least a portion of the additional benefits accruing from their labors.

I realize that to change to the system suggested would require considerable time and careful sutdy and the outlay of considerable money on which, however, the State would ultimately reap a profitable return. Such a change would necessarily have to be made gradually and not by revolutionary methods.

But from my study of how prison labor is handled in other states, I can see immediate relief for the dependents of a goodly number of our prisoners, without expense to the State, by the re-enactment of the statute permitting the employment of prison labor on road construction and maintenance. Then instead of sending new and irresponsible prisoners to road camps, as was previously done, create in the prison an honor roll and select men for work on the highways from the honor roll only, assigning to road duty only those who have earned half their parole and giving preference to prisoners with dependents, the prisoners thus employed to receive a reasonable wage, one-third to go to their dependents, and two-thirds to go to the State.

Parole agents could be used in collecting information concerning the dependency of families of prisoners and those with families of greatest dependency should be giving preference in assignment to road camps, all other things being equal.

It is inconceivable that a prisoner who had served with a good record half of the time necessary to entitle him to parole would desert from a road camp, and his knowledge of the

fact that if he failed to render efficient service he would lose his assignment to the road (and thereby lose to his family their share of his earnings) should and no doubt would inspire him to give the best service of which he was capable.

Such a step would be in the direction of a proper solution of the problems of prison labor and would afford immediate relief to the suffering dependents of many prisoners.

I therefore most earnestly recommend that legislation necessary to the inauguration of such a system be enacted, in which event the Highway Commission would, I am sure, give every assistance within its power to make the plan a success.

There is another benefit that would accrue from the inauguration of such a system. Every prisoner of reasonable mentality and future hope would strive to reach the honor roll of his institution in order that he might spend a portion of his time outside the prison walls. This would be an incentive to proper conduct and greater efficiency while serving within the walls.

Charitable and Penal Institutions

Funds with which to make improvements at four of the State's charitable and penal institutions is one of the burning needs of the hour.

There is not a good farmer in Kentucky who would keep his dumb animals in quarters like hundreds of the cells in the Frankfort Reformatory.

The Feeble-Minded Institute has splendid buildings but insufficient room. It has a waiting list of about sixty mental defectives whom it cannot admit for lack of room, and there is no provision for the care of feeble-minded colored persons. Neither have we any provision of law for the care of insane children or adequate facilities for the care of insane criminals or the criminally insane, which is a reflection on Kentucky.

Because of insufficient room at the Feeble-Minded Institute it is impossible to segregate the inmates of that institution. The management is therefore forced to keep together

the idiots and feeble-minded, who are irresponsible or subnormal all of the time, and the epileptics who are normal much of the time, which is a constant punishment to the latter and contributes to their dissatisfaction during their normalcy. This dissatisfaction is further aggravated by the name of the institution, "The Feeble-Minded Institute."

I therefore recommend and urge that the name of this institution be changed to "State Custodial School."

The Legislature can well afford to make this change in name for the effect it will have upon the minds and the contentment it will create among the stronger of these poor unfortunates.

I also recommend that the name of the Greendale institutions be changed from "Reform Schools" to "State School for Boys" and "State School for Girls." The sole purpose of these institutions is to correct the habits of incorrigible children, in order that they may become good and useful citizens, and with this object in view why embarrass them in years to come by attaching this stigma of "Reform School" to their early training. The changes suggested would not change the purpose or impair the usefulness of these institutions, but would save their inmates much embarrassment in future years.

We need a prison farm for the Reformatory and additional farm lands for the Reform School at Greendale. Each would be a profitable investment for the State financially, and the need for the latter is imperative.

The Greendale institution could not only be made self-sustaining with sufficient acreage of farm land but could be made financially profitable. But the greatest profit would accrue to the inmates of the institution who are to return to and become a part of the citizenship of the State.

The Eastern State Hospital for the Insane at Lexington needs more farm land which it could cultivate at profit to the State and greater profit to those of its inmates who are able to perform farm labor. Both the superintendent and farm

manager tell me that the rapidity of the mental improvement of those whom they put on the farm is phenomenal and the number of permanent cures that are effected by outdoor employment are many. There is therefore not only a sound financial reason for the acquisition of additional farm lands for this institution, but a humane reason which is far more impelling.

Furthermore, the buildings at this institution are old, inadequate, unsanitary, unfit for the purpose for which they must be used, and cannot be made safe against dangers by fire.

Inmates of this and kindred institutions constitute the most unfortunate class of our people. It is the duty and responsibility of those of us who have been more fortunate to protect and properly care for them and God will hold us responsible if we fail to do so.

I have recommended in a former paragraph that you give immediate consideration to the subject of certain special revenues to replenish the general fund with which to finance the much needed improvements in our charitable and penal institutions. If you fail to provide this additional revenue (which I trust you will not do) then I urge upon you to submit to the people a bond issue of five million dollars to be used, if ratified by the people, in financing these much needed improvements.

Some may be disinclined to spend money on public improvements, but, my friends, it requires money to build and maintain a state just as it requires money to build and maintain a home or an industry, and it is just as obligatory to expend money to support and care for the sick and infirm wards of the State as it is to spend it for the support and education of the normal children of the State.

The citizen who fails to support and care for his dependents, when able to do so, fails to discharge his greatest obligation. Likewise the state that fails to properly care for its unfortunate wards neglects its greatest duty.

I therefore appeal to you to meet this long neglected responsibility, thereby removing from the fair name of Kentucky this blot, this inexcusable stigma.

Senator Stephenson moved that the Joint Session be now dissolved.

Said motion was agreed to.

The Speaker resumed the Chair and called the House to order.

Mr. Milliken moved that the House do now adjourn until next Monday, January 11th, at one o'clock P. M.

Said motion was agreed to.

And then the House adjourned.

MONDAY, JANUARY 11, 1926.

The House was opened with prayer by the Rev. Chesterfield Turner of the Baptist Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

W. B. Ardery	F. W. Bryant	C. L. Daly
Wm. J. Arvin	J. R. Buckman	Mormon B. Daniel
W. O. Bach	W. G. Buckner	J. R. Dorman
A. J. Baldridge	S. J. Bunger	E. J. Doss
J. H. Baughman	W. A. Carson	James M. Durham
L. D. Bax	C. B. Carver	D. E. Edwards
W. B. Belknap	Lee Clark	J. O. Evans
T. H. Benton	Lonnie Cooper	D. W. Fowler
Shaler Berry	Fred H. Coots	Otto C. Gartin
C. H. Berryman	J. D. Cox	R. E. Glenn
W. P. Bowman	J. S. Cruse	C. C. Givens
D. F. Brown	W. J. Curtis	F. A. Gnau
Geo. A. Brown	J. L. Cushing	Whitsett Hall

Lawrence Harmon
J. F. Harrison
C. W. Hawkins
J. M. Hayse
Goebel B. Henson
H. M. Holbrook
H. B. Holland
S. K. Holland
J. C. Hutcherson
E. M. Johnson
Grover C. Johnson
W. W. Johnson
D. C. Jones
Mrs. H. G. Jorris
W. O. Keller
J. R. Kelly
Thos. H. King
Oscar Leibson
W. W. Leslie
Leon P. Lewis
J. L. Manning
Joe Martin
Shelby Martin
A. M. Mercer
H. J. Meyers
H. H. Miller
J. S. Milliken
T. R. Moore
B. T. Morris
L. P. Murphy
J. L. McDavid
W. J. McGill
F. T. Nichols
Caleb Page
Smith Park
J. J. Patterson
Jas. J. Peters
Geo. W. Potter
W. H. Pryor
H. A. Pulliam
Clint Raymer
R. R. Rogers
Philip J. Ryan
C. W. Ryans
Chas. L. Seale
M. G. Slusher
W. R. Smith
E. J. Snyder
Frank L. Strange
J. G. Swearengin
Mac Swinford
J. L. Valandingham
Chiles Van Antwerp
C. D. Vincent
W. S. Wallen
T. B. Watts

The reading of the Journal of yesterday's proceedings was dispensed with.

The Chief Clerk produced and read the following order from the Speaker of this House, viz.:

By virtue of the authority vested in me as Speaker of the House of Representatives, under the joint rules governing and controlling the joint sessions of the Senate and House of Representatives for the General Assembly of 1924 which joint rules have been heretofore adopted as the joint rules governing and controlling the joint sessions of the Senate and House of Representatives for the present session, it is ordered that joint session of the Senate and House of Representatives be held in the hall of the House of Representatives on today at two-thirty o'clock p. m. for the purpose of receiving a message from the Governor.

It is further ordered that a copy of this order be spread upon the Journal of the House of Representatives and certified by the Chief Clerk of this House to the Senate.

Mr. Meyers moved that an indefinite leave of absence be granted to Mr. Ryan.

Said motion was agreed to.

Mr. Cox moved that an indefinite leave of absence be granted to Mr. W. E. Clark.

Said motion was agreed to.

Mr. Cox moved that the privileges of the floor be extended to the Hon. W. E. Dowling, former State Senator.

Said motion was agreed to.

Mr. Hawkins offered the following resolution, viz.:

Be it resolved by the House of Representatives, that the Chief Clerk of this House be authorized and directed in the manner provided by the statutes of Kentucky to have six thousand copies of the message delivered by His Excellency W. J. Fields, Governor of the Commonwealth on Wednesday, January 6, printed, wrapped and stamped for mailing, one thousand copies of which shall be delivered to the Governor and fifty copies delivered to each member of this House.

Said resolution was adopted.

Mr. Dorman offered a resolution of the following title, viz.:

H. Res. 1. Resolution providing for additional employees of House of Representatives, fixing their per diem and providing for the payment of same.

Said resolution is as follows, viz.:

Be it resolved by the House of Representatives, the Senate concurring therein: That the Speaker of the House of Representatives be and he is hereby authorized and directed to employ one stenographer to the Chief Clerk of the House and one stenographer to the Speaker of the House at eight dollars per day each; two Assistant Enrolling Clerks at six dollars per day each; one copyist to Chief Clerk at six dollars per day; four Assistant Door-Keepers at five dollars per day each; Cloakroom Keeper at five dollars per day; one Messenger to the Speaker at two dollars and a half per day; one Mail Clerk at five dollars per day, said employment to take effect and be in force from and after the fifth day of January, 1926.

All said employees when so named by the Speaker shall receive their per diem upon vouchers issued by the Chief Clerk of this House of Representatives to the Auditor of Public Accounts who shall draw his warrant on the Treasurer for the amount so certiefid, out of any funds in the Treasury not otherwise apropriated by law.

Mr. Pulliam offered the following amendment to said resolution, viz.:

"I move that the resolution be amended to exclude all but one Assistant Doorkeeper and to exclude any additional Cloakroom Assistants."

Said amendment was disagreed to.

Said resolution was adopted.

The vote being taken thereon in accordance with the provisions of the Constitution, was as follows:

Those who voted in the affirmative were—

L. D. Bax	Shaler Berry	Geo. A. Brown
W. B. Belknap	C. H. Berryman	F. W. Bryant
T. H. Benton	W. P. Bowman	J. R. Buckman

W. G. Buckner
S. J. Bunger
W. A. Carson
C. B. Carver
Lee Clark
Lonnie Cooper
J. D. Cox
J. S. Cruse
W. J. Curtis
J. L. Cushing
C. L. Daly
Mormon B. Daniel
J. R. Dorman
E. J. Doss
D. E. Edwards
D. W. Fowler
Otto C. Gartin
R. E. Glenn
F. A. Gnau
Whitsett Hall
Lawrence Harmon
C. W. Hawkins
J. M. Hayse
Goebel B. Henson
H. M. Holbrook
H. B. Holland
S. K. Holland
Ira L. Horne
E. M. Johnson
Grover C. Johnson
W. W. Johnson
D. C. Jones
Mrs. H. G. Jorris
W. O. Keller
J. R. Kelly
Thos. H. King
Oscar Leibson
W. W. Leslie
Leon P. Lewis
J. L. Manning
Joe Martin
Shelby Martin
A. M. Mercer
H. J. Meyers
H. H. Miller
J. S. Milliken
T. R. Moore
B. T. Morris
L. P. Murphy
J. L. McDavid
W. J. McGill
F. T. Nichols
Caleb Page
Smith Park
J. J. Patterson
Geo. W. Potter
W. H. Pryor
R. R. Rogers
C. W. Ryans
Chas. L. Seale
M. G. Slusher
W. R. Smith
E. J. Snyder
Frank L. Strange
J. G. Swearengin
C. D. Vincent
W. S. Wallen

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Those who voted in the negative were—

W. B. Ardery
Wm. J. Arvin
W. O. Bach
A. J. Baldridge
Fred H. Coots
James M. Durham
J. O. Evans
C. C. Givens
J. F. Harrison
J. C. Hutcherson
Jas. J. Peters
H. A. Pulliam
Clint Raymer
Mac Swinford
J. L. Valandingham
Chiles Van Antwerp
T. B. Watts

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Mr. Meyers moved that the vote by which said resolution was adopted be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Moore sent to the Clerk's desk and had read the following communication, viz.:

Hon. Speaker and Members of the House of Representatives,
State House, Frankfort, Kentucky.
Honorable Sirs:

You are hereby most respectfully invited to a luncheon served in the dining room of the Kentucky Normal & Industrial Institute at six o'clock on Wednesday evening, January the 20th, 1926.

Most respecfully yours,
G. P. Russel, President.

Mr. Milliken moved that the Speaker of the House be authorized and empowered to appoint eighteen members of the House instead of fifteen as constituting the Rules Committee.

Said motion was agreed to.

Thereupon the Speaker announced the following members as constituting the Rules Committee of this session, viz.:

G. L. Drury, ex-officio, John S. Milliken, J. R. Dorman. S. K. Holland, W. S. Wallen, A. M. Mercer, R. E. Glenn, L. D. Bax, Lee Clark, T. R. Moore, Harry J. Meyers, C. L. Daly, H. H. Miller, Shaler Berry, W. W. Leslie, D. C. Jones. Otto S. Gartin, J. S. Cruse and C. W. Ryans.

Mr. Milliken moved that the session of this House be extended indefinitely.

Said motion was agreed to.

A message was received from the Senate announcing that they had passed resolutions of the following titles, viz.:

S. Res. 1. Joint resolution providing for extra help for the Senate.

S. Res. 2. Joint resolution providing for extra help for Lieutenant Governor and Chief Clerk of Senate and House.

S. Res. 3. Joint resolution providing for expense money for Chief Clerk of Senate and Chief Clerk of House.

S. Res. 4. Joint resolution providing for the purchase of Statutes, Codes and Acts for House and Senate.

Mr. Hawkins asked for an indefinite leave of absence.

Said request was granted.

Mr. Milliken moved that the House do now recess until two-thirty o'clock p. m.

Said motion was agreed to.

The hour of two-thirty o'clock p. m. having arrived, that being the hour for the special joint session of the Senate and the House of Representatives as provided in an order made by the Speaker of the House heretofore.

The Senate of Kentucky, in order, entered on the floor of the hall of the House of Representatives, the Hon. H. H. Denhardt, Lieutenant Governor and President of the Senate took the chair and called the joint session to order. The Hon. G. Drury, Speaker of the House of Representatives, took a seat to the right of the President of the Senate.

Senator Hamilton moved that the call of the roll of the joint session be dispensed with.

Said motion was agreed to.

Senator Hamilton moved that the joint rules for the 1924 joint assembly be made the joint rules of today's joint session.

Said motion was agreed to.

The President appointed the same committee which escorted the Governor to the floor of the House on last Tuesday, January 6, as a committee to wait upon the Governor and escort him to the floor of this House.

After a time the said committee escorted the Governor to the hall of the House of Representatives who took a position at the Clerk's desk and delivered the following message, viz.:

As stated in my former message to you, the needs of our educational, charitable and corrective institutions are so imperative as to demand the attention of both the executive and legislative branches of the State government. Failure to provide for these needs during the present session would, in my opinion, not only be a grave mistake, but a gross dereliction on the part of every one responsible for such failure.

In former years it was the custom in Kentucky to turn to real estate to meet the needs for additional revenue. This practice continued until a vast majority of the burden of taxation was placed upon that class of property.

At the beginning of the present administration real estate was bearing sixty-eight per cent of the State's tax burden.

In my message to the General Assembly of 1924 I recommended a revision of our revenue laws in order that the tax burden might be made more equitable and more uniformly distributed. Bills providing such relief were introduced in pursuance of my recommendation.

These measures were attacked by a portion of the press of the State, in which attacks it was charged in substance that the measures were unsound and would prove detrimental if enacted into law. Notwithstanding this opposition the measures were passed and have already proven to be the most satisfactory revenue laws ever enacted in Kentucky. As stated

to you last week, under these laws the tax burden on real estate has decreased twenty-seven per cent, yet the revenues of the State have been maintained, in part by bringing from hiding certain sources of wealth that had previously escaped taxation. In addition to that, those who use the highways were made to pay a greater portion of the cost of their construction and maintenance.

As is well known we made further effort to meet the public demand for improved roads, improved educational, charitable and penal institutions by the submission of a bond issue, which was defeated by the groundless arguments of a part of the press of the State.

At the beginning of the present session we made still further effort to meet these imperative needs by recommending the imposition of a two-cent additional tax on gasoline, for a period covering little more than two years, and the imposition of luxury tax on manufactured tobacco, tobacco products and other luxuries.

These suggestions were forthwith met by the rigid opposition of much of the press of the State and of certain organizations, in which reckless and extravagant charges have been made as to the additional burdens these proposed laws would impose.

The head of one organization is circulating propaganda throughout the State representing the burden imposed by the proposed additional gasoline tax to be four times as great as it would actually be.

Another organization and some of the newspapers take the position that the proposed sales tax on manufactured tobacco and tobacco products would place a burden upon the tobacco growers of our State. At least two representatives of the American Tobacco Trust, the known friend of the tobacco producer, (?) have been in the State since it became known that we would suggest the imposition of this luxury tax, lending their influence to the opposition to the tax and offering as usual their assistance to the farmers.

The argument that a sales tax on manufactured tobacco and tobacco products would lessen production and injure the producer is as fallacious, as groundless and as untrue as would be the argument that a sales tax on woolen goods would affect the sheep industry and injure the sheep-raiser. One of these arguments would be just as sound as the other and both rotten to the core, yet the opponents are succeeding to some extent in making the producers of tobacco believe that the luxury tax which I proposed in my message would be detrimental to them.

The same argument was made when we increased the federal sales tax on manufactured tobacco and tobacco products some eight years ago. At that time I represented in Congress a district of nineteen counties, every one of which produced tobacco. The representatives of both the tobacco trust and the tobacco producers were members of Congress threadbare with their arguments to induce them to vote against the increase. I knew then, as I know now, that their arguments were, to say the least, products of their own imaginations, and were without foundation. I therefore voted for the increase, which was made, and from which the farmers did not suffer as predicted.

I am informed that certain metropolitan papers of the State will soon launch a campaign to organize the farmers against the suggested luxury tax. I realize that such a campaign may incite much opposition to the proposed tax. Thus many of you may be made to feel that it is your duty to vote against the proposition.

May I say in passing that I have no criticism to offer of any man who acts in harmony with his conception of duty. Neither do I wnat to see any member of the General Assembly placed in an embarassing position with his constituents.

I therefore further recommend for your consideration the imposition of a State income tax equal to one-half the amount of income tax paid to the federal government.

There can be no misunderstanding relative to an income tax. It places its burden upon those who are fortunate enough to have an actual, net income. Even the secretary of the Louisville Automobile Club will not be able to mislead the people on the question of an income tax, and that is saying a lot.

There are some people in Kentucky who have repeatedly expressed their concern for the welfare of the inmates of the penal institutions, who profess a solicitude for the children at Greendale, who sob and sigh for the mental defectives and shed tears of sympathy for the unfortunate insane, but who oppose every effort to supply revenue with which to meet their needs.

They remind me of the group of young millionaires who delegated to themselves the pleasant duty of devising means to better the condition of the poor. They arranged a banquet at which they were to discuss and formulate ways and means to carry into execution their laudable ambition. The food was spread and the wine was supplied. They wined and dined until the wee small hours of the morning when one suggested that they adjourn. This suggestion was met with another to the effect that they had not completed the noble work for which they had assembled, and that suggestions as how to accomplish the results desired were in order.

Then a few seconds of silence ensued, when one of the solicitous group arose in his place and announced "I have the plan, let us stand and give three cheers for the poor."

Some of our Kentucky friends who have appeared so solicitous for the unfortunate wards of the State would, I verily believe, be willing to be so generous as to give three cheers for them.

I am sure we all agree as to the necessity for additional revenue and my faith in you assures me that you will meet this humane responsibility and discharge this official obligation.

Some may suggest that we increase the tax rate on real estate as a means of securing this needed revenue. But that I trust you will not do. Others may suggest a general sales tax. That I would approve, but would do so feeling that an income tax would be more equitable, since in my opinion it would be more just to tax the profits on capital than to tax the food and clothing of the laboring man and his family.

I beg you in the interest of progress, in the interest of education, in the interest of infirm and suffering humanity, to supply the additional revenue so sorely needed. But I further beg of you not to saddle it upon the back of agriculture or impose it upon the shoulders of labor.

Mr. Strange moved that this joint session do now dissolve.

Said motion was agreed to.

The Speaker resumed the chair and called the House to order.

Mr. Daniels presented to the Speaker a gavel on behalf of the city of Cambridge, Massachusetts.

The Speaker accepted said gavel in a very appropriate speech.

Mr. Milliken moved the invitation extended earlier in the day by E. R. Russell of the Kentucky Normal and Industrial Institute be accepted, and in addition thereto urged all members of the House to avail themselves of this opportunity.

Said motion was agreed to.

Mr. Milliken moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

TUESDAY, JANUARY 12, 1926.

The House was opened with prayer by Rabbi Theodore Lefsit of Lexington, Kentucky.

The roll was called and the following members answered to their names, viz.:

W. B. Ardery	D. W. Fowler	J. S. Milliken
Wm. J. Arvin	Otto C. Gartin	T. R. Moore
W. O. Bach	R. E. Glenn	B. T. Morris
A. J. Baldridge	C. C. Givens	L. P. Murphy
J. H. Baughman	F. A. Gnau	Chas. N. McCarty
L. D. Bax	Whitsett Hall	J. L. McDavid
T. H. Benton	Lawrence Harmon	W. J. McGill
Shaler Berry	J. F. Harrison	F. T. Nichols
C. H. Berryman	J. M. Hayse	Caleb Page
W. P. Bowman	Goebel B. Henson	Smith Park
Geo. A. Brown	H. M. Holbrook	J. J. Patterson
F. W. Bryant	H. B. Holland	Jas. J. Peters
J. R. Buckman	S. K. Holland	Geo. W. Potter
W. G. Buckner	Ira L. Horne	W. H. Pryor
S. J. Bunger	J. C. Hutcherson	H. A. Pulliam
W. A. Carson	E. M. Johnson	Clint Raymer
C. B. Carver	Grover C. Johnson	R. R. Rogers
Lee Clark	W. W. Johnson	C. W. Ryans
Lonnie Cooper	D. C. Jones	Chas. L. Seale
Fred H. Coots	Mrs. H. G. Jorris	M. G. Slusher
J. D. Cox	W. O. Keller	E. J. Snyder
J. S. Cruse	J. R. Kelly	Frank L. Strange
W. J. Curtis	Thos. H. King	J. G. Swearengin
J. L. Cushing	W. W. Leslie	Mac Swinford
C. L. Daly	Leon P. Lewis	J. L. Valandingham
Mormon B. Daniel	Joe Martin	Chiles Van Antwerp
J. R. Dorman	Shelby Martin	C. D. Vincent
E. J. Doss	A. M. Mercer	W. S. Wallen
D. E. Edwards	H. J. Meyers	T. B. Watts
J. O. Evans	H. H. Miller	

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The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. Milliken moved that an indefinite leave of absence be granted to Mr. Bax.

Said motion was agreed to.

Mr. Strange moved that the session of today be extended indefinitely.

Said motion was agreed to.

Mr. Vallandingham moved that the privileges of the floor be extended to the Hon. Sam H. Cole, a former member of this House.

Said motion was agreed to.

Mr. Hutcherson moved that the House do now rescind the vote by which a resolution entitled:

H. Res. 1. Resolution providing for additional employees for the House of Representatives, fixing their per diem and providing for payment of same.

Was passed on yesterday, January 11.

The Speaker ruled the motion was out of order.

Messrs. Pulliam and Hutcherson appealed from the decision of the chair.

Mr. Milliken moved that said appeal be laid upon the table.

Said motion was agreed to.

The yeas and nays being required thereon by Messrs. Hutcherson and Pulliam, were as follows, viz.:

Those who voted in the affirmative were—

W. B. Ardery	R. E. Glenn	T. R. Moore
Wm. J. Arvin	F. A. Gnau	B. T. Morris
A. J. Baldridge	Whitsett Hall	L. P. Murphy
T. H. Benton	Lawrence Harmon	Chas. N. McCarty
C. H. Berryman	Goebel B. Henson	W. J. McGill
W. P. Bowman	H. B. Holland	Caleb Page
Geo. A. Brown	S. K. Holland	Smith Park
F. W. Bryant	W. W. Johnson	J. J. Patterson
J. R. Buckman	D. C. Jones	Geo. W. Potter
W. G. Buckner	Mrs. H. G. Jorris	W. H. Pryor
S. J. Bunger	W. O. Keller	R. R. Rogers
W. A. Carson	J. R. Kelly	C. W. Ryans
C. B. Carver	Thos. H. King	Chas. L. Seale
Lee Clark	W. W. Leslie	M. G. Slusher
Lonnie Cooper	Leon P. Lewis	W. R. Smith
J. D. Cox	J. L. Manning	E. J. Snyder
J. S. Cruse	Joe Martin	J. G. Swearengin
W. J. Curtis	Shelby Martin	Chiles Van Antwerp
J. L. Cushing	A. M. Mercer	C. D. Vincent
C. L. Daly	H. J. Meyers	W. S. Wallen
J. R. Dorman	H. H. Miller	T. B. Watts
Otto C. Gartin	J. S. Milliken	

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Those who voted in the negative were—

W. O. Bach	J. O. Evans	J. L. McDavid
J. H. Baughman	D. W. Fowler	F. T. Nichols
W. B. Belknap	C. C. Givens	Jas. J. Peters
Shaler Berry	J. F. Harrison	H. A. Pulliam
Fred H. Coots	H. M. Holbrook	Clint Raymer
Mormon B. Daniel	Ira L. Horne	Frank L. Strange
E. J. Doss	J. C. Hutcherson	Mac Swinford
James M. Durham	E. M. Johnson	J. L. Valandingham
D. E. Edwards	Grover C. Johnson	

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The House took up for consideration from the Clerk's desk a resolution entitled:

S. Res. 1. Resolution providing for extra help for the Senate.

Said resolution is as follows, viz.:

JOINT RESOLUTION

Be it resolved by the General Assembly of the Commonwealth of Kentucky: That the Senate of Kentucky do now proceed to elect the following persons for extra help, to be paid the salaries set opposite their respective names.

Said salaries to be paid out on warrants of the Auditor on the Treasurer, issued on requisition of the Chief Clerk of the Senate.

Assistant Door Keeper, F. Boone Rapier, Pres Blackburn, each $5.00; Assistant Enrolling Clerk, Mrs. E. C. Pebbles, $5.00; Assistant Sergeant-at-Arms, Peter Welsh $5.00; Assistant Cloakk Room Keeper, A. E. Hickey, each $3.00; extra Pages, E. B. Roberts and W. W. Kelley, each $3.00.

Said resolution was adopted.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. J. Arvin	S. J. Bunger	Mormon B. Daniel
A. J. Baldridge	W. A. Carson	J. R. Dorman
W. B. Belknap	C. B. Carver	E. J. Doss
T. H. Benton	Lee Clark	D. E. Edwards
Shaler Berry	Lonnie Cooper	J. O. Evans
C. H. Berryman	Fred H. Coots	D. W. Fowler
W. P. Bowman	J. D. Cox	Otto C. Gartin
Geo. A. Brown	J. S. Cruse	R. E. Glenn
F. W. Bryant	W. J. Curtis	F. A. Gnau
J. R. Buckman	J. L. Cushing	Whitsett Hall
W. G. Buckner	C. L. Daly	Lawrence Harmon

J. M. Hayse	W. W. Leslie	F. T. Nichols
Goebel B. Henson	Leon P. Lewis	Caleb Page
H. M. Holbrook	J. L. Manning	Smith Park
H. B. Holland	Joe Martin	J. J. Patterson
S. K. Holland	Shelby Martin	Geo. W. Potter
Ira L. Horne	A. M. Mercer	W. H. Pryor
J. C. Hutcherson	H. J. Meyers	C. W. Ryans
E. M. Johnson	H. H. Miller	Chas. L. Seale
Grover C. Johnson	J. S. Milliken	M. G. Slusher
W. W. Johnson	T. R. Moore	W. R. Smith
D. C. Jones	B. T. Morris	E. J. Snyder
Mrs. H. G. Jorris	L. P. Murphy	Frank L. Strange
W. O. Keller	Chas. N. McCarty	J. G. Swearengin
J. R. Kelly	J. L. McDavid	C. D. Vincent
Thos. H. King	W. J. McGill	W. S. Wallen

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Those who voted in the negative were—

W. O. Bach	Jas. J. Peters	Mac Swinford
J. H. Baughman	H. A. Pulliam	J. L. Valandingham
James M. Durham	Clint Raymer	Chiles Van Antwerp
C. C. Givens	R. R. Rogers	T. B. Watts
J. F. Harrison		

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Mr. Meyers moved that the vote by which said resolution was adopted be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Clerk's desk, a resolution entitled:

S. Res. 2. Resolution providing for extra help for Lieutenant Governor and Chief Clerk of the Senate.

Said resolution is as follows, viz.:

JOINT RESOLUTION

Be it resolved by the General Assembly of the Commonwealth of Kentucky: That the President of the Senate is hereby authorized to employ a personal page at $3.00 per day and he is further authorized to employ a secretary at a salary of $8.00 per day and he is further authorized to employ a stenographer for the Chief Clerk at a salary of $8.00 per day.

The Chief Clerk shall issue vouchers to the persons entitled to same, and the Auditor of Public Accounts is directed to draw his warrant on the Treasurer in payment thereof, out of any funds in his hands, unappropriated.

Said resolution was adopted.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. B. Ardery	C. L. Daly	J. L. Manning
Wm. J. Arvin	Mormon B. Daniel	Joe Martin
A. J. Baldridge	J. R. Dorman	Shelby Martin
W. B. Belknap	Otto C. Gartin	A. M. Mercer
T. H. Benton	R. E. Glenn	H. J. Meyers
C. H. Berryman	F. A. Gnau	H. H. Miller
W. P. Bowman	Whitsett Hall	J. S. Milliken
Geo. A. Brown	Lawrence Harmon	T. R. Moore
F. W. Bryant	J. M. Hayse	B. T. Morris
J. R. Buckman	Goebel B. Henson	Chas. N. McCarty
W. G. Buckner	H. B. Holland	W. J. McGill
S. J. Bunger	S. K. Holland	L. P. Murphy
W. A. Carson	W. W. Johnson	Caleb Page
C. B. Carver	D. C. Jones	Smith Park
Lee Clark	Mrs. H. G. Jorris	J. J. Patterson
Lonnie Cooper	W. O. Keller	Geo. W. Potter
J. D. Cox	J. R. Kelly	W. H. Pryor
J. S. Cruse	Thos. H. King	R. R. Rogers
W. J. Curtis	W. W. Leslie	C. W. Ryans
J. L. Cushing	Leon P. Lewis	Chas. L. Seale

W. R. Smith	J. G. Swearengin	W. S. Wallen
E. J. Snyder	C. D. Vincent	T. B. Watts

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Those who voted in the negative were—

W. O. Bach	D. W. Fowler	F. T. Nichols
J. H. Baughman	C. C. Givens	Jas. J. Peters
Shaler Berry	J. F. Harrison	H. A. Pulliam
Fred H. Coots	H. M. Holbrook	Clint Raymer
E. J. Doss	Ira L. Horne	Frank L. Strange
James M. Durham	J. C. Hutcherson	Mac Swinford
D. E. Edwards	Grover C. Johnson	J. L. Valandingham
J. O. Evans	J. L. McDavid	Chiles Van Antwerp

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Mr. Meyers moved that the vote by which said resolution was adopted by reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Clerk's desk, a resolution entitled:

S. Res. 3. Resolution providing for expense money for Chief Clerk of Senate and House.

Said Resolution is as follows, viz:

Resolution Providing A Contingent Fund For The Clerk of The House And The Clerk of The Senate.

SENATE JOINT RESOLUTIONS

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That for the purpose of paying such expenses as the Chief Clerk of the Senate of Kentucky, is directed to incur

by the Senate of Kentucky, there is hereby appropriated out of the general revenues of the State, as a contingent fund, the sum of Five Hundred Dollars ($500.00), and for the purpose of paying the expenses incurred by the Chief Clerk of the House of Representatives of the Commonwealth, under the direction of said House, there is hereby appropriated out of the general revenues of the State, as a contingent fund, the sum of Five Hundred Dollars ($500.00). Said respective funds shall be paid out on warrant of the Auditor, issued on requisition of the Chief Clerk of the Senate and of the House of Representatives, respectively.

Said resolution was adopted.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

W. B. Ardery	J. L. Cushing	Ira L. Horne
Wm. J. Arvin	C. L. Daly	E. M. Johnson
A. J. Baldridge	Mormon B. Daniel	Grover C. Johnson
J. H. Baughman	J. R. Dorman	W. W. Johnson
W. B. Belknap	E. J. Doss	Mrs. H. G. Jorris
Shaler Berry	James M. Durham	W. O. Keller
C. H. Berryman	D. E. Edwards	J. R. Kelly
W. P. Bowman	J. O. Evans	Thos. H. King
Geo. A. Brown	D. W. Fowler	W. W. Leslie
F. W. Bryant	Otto C. Gartin	Leon P. Lewis
J. R. Buckman	R. E. Glenn	J. L. Manning
W. G. Buckner	C. C. Givens	Joe Martin
S. J. Bunger	F. A. Gnau	Shelby Martin
W. A. Carson	Whitsett Hall	A. M. Mercer
C. B. Carver	Lawrence Harmon	H. J. Meyers
Lee Clark	J. F. Harrison	H. H. Miller
Lonnie Cooper	J. M. Hayse	J. S. Milliken
Fred H. Coots	Goebel B. Henson	T. R. Moore
J. D. Cox	H. M. Holbrook	B. T. Morris
J. S. Cruse	H. B. Holland	L. P. Murphy
W. J. Curtis	S. K. Holland	Chas. N. McCarty

J. L. McDavid	W. H. Pryor	J. G. Swearengin
W. J. McGill	H. A. Pulliam	Mac Swinford
F. T. Nichols	R. R. Rogers	J. L. Valandingham
Caleb Page	C. W. Ryans	Chiles Van Antwerp
Smith Park	Chas. L. Seale	C. D. Vincent
J. J. Patterson	W. R. Smith	W. S. Wallen
Jas. J. Peters	E. J. Snyder	T. B. Watts
Geo. W. Potter	Frank L. Strange	

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There voted in the negative—
J. C. Hutcherson

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Mr. Myers moved that the vote by which said Resolution was adopted be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Clerk's desk a Resolution entitled:

S. Res. 4. Resolution providing for the purchase of statutes, codes and Acts for House and Senate.

Said Resolution is as follows, viz:

JOINT RESOLUTION

A Resolution to provide for ten copies each of the Statutes, Codes, and the Acts of the General Assembly of 1924 of Kentucky for the use of the House of Representatives and five copies each for the use of the Senate of Kentucky. Providing for the payment of same.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Whereas, it is necessary to expedite the business of the General Assembly of Kentucky, that the members thereof

have free access to the statutes, codes and the Acts of the General Assembly of 1924 of the Commonwealth for their use and benefit during the present session of the General Assembly.

Therefore, be it resolved by the Senate, the House concurring therein, that the State Librarian, be and she is hereby instructed to procure ten copies each of the 1922 statutes, codes and the Acts of the General Assembly of 1924 of the Commonwealth of Kentucky and deliver the same to the Speaker of the House of Representatives for the use and benefit of said members and five copies each of said statutes, said code, and said Acts of the General Assembly of 1924 to be delivered to the President of the Senate for the use and benefit of the members of the Senate, and the said Librarian shall present the bill for the same to the Auditor of Public Accounts, who is hereby directed to draw his warrant for the payment of same upon the Treasurer of the Commonwealth of Kentucky, same to be charged to the Contingent Fund of the Senate and House. Said copies of the Statutes, Codes, and Acts of the General Assembly of 1924, at the end of the present session, to be returned to the said State Librarian and be the property of the Commonwealth of Kentucky.

Said Resolution was adopted.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

W. B. Ardery	Geo. A. Brown	W. E. Clark
Wm. J. Arvin	J. R. Buckman	Lonnie Cooper
W. O. Bach	W. G. Buckner	Fred H. Coots
A. J. Baldridge	S. J. Bunger	J. D. Cox
W. B. Belknap	W. A. Carson	J. S. Cruse
Shaler Berry	C. B. Carver	W. J. Curtis
C. H. Berryman	Lee Clark	J. L. Cushing

C. L. Daly	W. W. Johnson	F. T. Nichols
Mormon B. Daniel	D. C. Jones	Caleb Page
E. J. Doss	Mrs. H. G. Jorris	Smith Park
James M. Durham	W. O. Keller	J. J. Patterson
J. O. Evans	J. R. Kelly	Jas. J. Peters
D. W. Fowler	Thos. H. King	Geo. W. Potter
R. E. Glenn	W. W. Leslie	W. H. Pryor
C. C. Givens	Leon P. Lewis	H. A. Pulliam
F. A. Gnau	J. L. Manning	R. R. Rogers
Whitsett Hall	Joe Martin	C. W. Ryans
Lawrence Harmon	Shelby Martin	W. R. Smith
J. F. Harrison	A. M. Mercer	E. J. Snyder
J. M. Hayse	H. J. Meyers	Frank L. Strange
Goebel B. Henson	H. H. Miller	J. G. Swearengin
H. M. Holbrook	T. R. Moore	Mac Swinford
H. B. Holland	B. T. Morris	J. L. Valandingham
S. K. Holland	L. P. Murphy	Chiles Van Antwerp
J. C. Hutcherson	Chas. N. McCarty	C. D. Vincent
E. M. Johnson	J. L. McDavid	W. S. Wallen
Grover C. Johnson	W. J. McGill	T. B. Watts

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Mr. Cushing moved that the vote by which said Resolution was adopted be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Lewis offered the following Resolution, viz:

Whereas, copies of the Kentucky Statutes, have been ordered for the use of the General Assembly to be delivered to the Speaker,

Be it Resolved, that when same be received they be immediately stamped showing they are the property of the State of Kentucky and that each copy furnished to a member be receipted for by said member and that unless returned by him to the Speaker before the adjournment of the Legislature the cost of said volumes be deducted from the salary of said member.

Said Resolution was adopted.

Mr. Dorman of the Rules Committee offered the following report of rules for the present session of the House of Representatives, viz:

RULES OF THE HOUSE OF REPRESENTATIVES

Session 1926

The Committee on Rules respectfully report to the House the accompanying rules for its government during the present session.

Quorum of the House

Rule 1. Five members of the House shall constitute a quorum for the purpose of adjourning; fifteen members for the purpose of calling a House, of sending for absent members and of making an order for their censure and fine; a majority of the members may proceed to business, and the numbers mentioned in this rule shall have power, in the absence of the Speaker, to elect a speaker pro tem. for the purposes above designated.

Hours of Meeting and Adjournment

Rule 2. The standing hour of meeting each day shall be 10 o'clock a. m., standard time, and the standing hour of adjournment shall be 1 o'clock p. m., except on Monday, when the hour of meeting shall be 1 o'clock p. m., and the hour of adjournment 3 p. m. Provided, however, that a majority of the House may elect to hold extra sessions at any time and extend the sitting of any session to any time within their discretion. The hour of meeting and adjournment of the body shall be governed by the House clock over the main entrance.

The Powers and Duties of the Speaker

Rule 3. The Speaker shall take the chair every day at the hour to which the House adjourned on the preceding day; he

shall immediately call the members to order, and, a quorum being present, shall cause the journal of the preceding day to be read.

Rule 4. He shall preserve decorum and order and, in case of disturbance or disorderly conduct in the gallery or lobbies, may cause the same to be cleared. He shall have general control, except as provided by rule of law, of the hall of the House and of the corridors and passages, of the unappropriateed rooms in that part of the Capitol assigned to the use of the House, until further ordered. He may speak to points of order in preference to other members, rising from the chair for that purpose. He shall decide questions of order, subject to an appeal to the House on request of any two members, and the members appealing shall reduce the appeal to writing.

The Speaker shall have supervision over the Clerks, Sergeant-at-Arms, Doorkeepers, Janitor, Pages or other employes of the House; and shall direct them as to their duties, and upon failure of any such official to perform their duties, the Speaker shall have power to impose a fine upon such offender, not to exceed the per diem of such official or employe for each offense. Such fine shall be entered upon the journal and deducted from the compensation due such offender.

Rule 5. The standing committees of the House, herein named, shall be appointed by the Speaker.

Rule 6. The Speaker may state questions sitting, but shall rise to put a question.

Rule 7. Questions shall be distinctly put in this form, viz.: "Gentlemen, you who are of the opinion that (as the question may be) say 'aye,' you of the contrary say 'nay.' "

Rule 8. If the Speaker be in doubt as to the result of a vote, or a division be called for, the House shall divide; those in the affirmative of the question shall rise from their seats, and, afterwards, those in the negative. If the Speaker be still in doubt, or a count be requested, the Speaker shall name two members, one from each side, to count those in the affirmative and the negative; which, being reported, he shall rise and state

the decision of the House; provided, however, that such decision or count shall not be allowed after the House shall have preceded to other business.

Rule 9. The Speaker shall have the right to name any member to perform the duties of the chair, but such Speaker pro tem. shall not be empowered to act beyond a period of five days.

Rule 10. No person shall be permitted upon the floor of the House except the Governor, his secretary, members of the Senate, such newspaper correspondents as may be authorized by the speaker of the House, the Chief Executive of the United States, Judges of the Court of Appeals and of the Supreme Court of the United States and members of the Federal Congress, unless on special invitation of the House previously extended by vote of the House, and it shall be the duty of the Doorkeeper to exclude all persons not entitled to the floor of the House Chamber. If, however, other persons find their way to the floor, it shall be the duty of the Sergeant-at-Arms to remove them.

At least five minutes before the hour of convening each day the Sergeant-at-Arms shall clear the floor of the House Chamber of all persons not entitled to the floor, and shall announce in a loud and distinct voice, "All persons not entitled to the floor of the House under the rules thereof will now vacate the House Chamber." He shall then compel each and every person in the House Chamber, who is not entitled to remain therein, to vacate.

Rule 11. When a member is about to speak in debate or deliver any matter to the House he shall rise from his seat and respectfully address the Speaker of the House as "Mr. Speaker," but shall not proceed until recognized by the Speaker as the Representative from ————.

Rule 12. If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may, through the Speaker, call the offender to order; and the member called to order shall immediately sit down unless per-

mitted to explain, and the House, if appealed to, shall decide on the case without debate. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if against him, and the case require it, he shall be liable to the censure of the House.

Rule 13. When two or more members rise at once, the Speaker shall name the member who is first to speak.

Rule 14. No member shall speak more than twice on the same question without leave of the House, and he shall not speak more than once until every member of the House desiring to speak has spoken. No member shall be allowed to speak more than one hour in the aggregate.

Rule 15. While the Speaker is putting any question, or addressing the House, no one shall walk about the House, or leave; neither, in such case nor when a member is speaking, shall any one talk or pass between the chair and the member who is speaking.

Rule 16. No member shall in debate name another member.

Undebatable Motions.

Rule 17. Motions to proceed or dispense with the orders of the day, to dispense with any rule of the House, or take up business out of its regular order, to commit or recommit, except with instruction, shall be propounded without debate.

Rule 18. No explanation of any vote shall be permitted pending the call of the yeas and nays on an undebatable motion.

Withdrawal of Motions

Rule 19. After a motion is stated by the Speaker, or read by the Clerk, it shall be deemed in the possession of the House, but may be withdrawn by the consent of the House at any time before a decision or amendment.

Rule 20. After a motion is made and seconded it shall be stated by the Speaker, or, being in writing, shall be handed to the chair and read aloud by the Clerk before debate.

Rule 21. Every motion shall be reduced to writing if the Speaker or any member desire it.

Order of Motions in Debate

Rule 22. When a question is under debate no motion shall be received, but

1. To fix the time to which the House shall adjourn.
2. Adjourn.
3. To lay on the table.
4. For the previous question.
5. To postpone to a day certain.
6. To commit.
7. To amend.
8. To postpone indefinitely.

Which several motions shall have precedence in the order in which they are arranged; and no motion to postpone to a day certain, to commit or postpone indefinitely being decided, shall again be allowed on the same day and at the same stage of the bill or proposition.

Motion to Adjourn

Rule 23. A motion to adjourn shall always be in order except during roll call or pending a motion to fix the time to which the House shall adjourn, and shall be decided without debate.

Rule 24. The previous question being moved and seconded, the question from the chair shall be, "Shall the main question be now put?" If the majority of all the members elected to the House vote in the negative the main question shall not then be put, but a majority of all the members elected may order the previous question at any time. The effect of the previous question shall be to bring the House to a direct vote on amendments proposed by the Committee, if any; then on such amendments as are provided for in Rule 38; and then upon the main question. The ordering of the previous question shall put an end to all debate except as

follows: Before the vote on an amendment the proposer of the amendment shall have five minutes, and then the proposer of the measure sought to be amended shall have five minutes; and before the vote upon the main question, the opponents of the measure shall have ten minutes and then the proposer of the measure shall have ten minutes to close the debate. When a measure or an amendment has been proposed by a committee, then the time given to the proposer shall be at the disposal of the chairman of the committee.

Division on Question.

Rule 25. Any member may call for a division on the question when the same will admit it.

Comittment of Motions.

Rule. 26. Motions and reports may be committed at the pleasure of the House. (See Rule 17, ante.)

Amendments.

Rule 27. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

Elections.

Rule 28. In all cases of elections there shall be a previous nomination before the House.

Petitions, Memorials, Etc.

Rule 29. Petitions, memorials and other papers, addressed to the House may be presented by any member in his place; and in such case he shall briefly state the contents of said petition,memorials or other papers, and which may be received, read and referred on the same day, by agreement of the House.

Calls of Yeas and Nays.

Rule 30. Upon a call of the yeas and nays on any question, the names of the members shall be called alphabetically,

which shall be made at any time when a division or a count may be had, and upon the completion of any roll call the Speaker shall upon the request of any member, order the Clerk to call the absentees once.

Call of the House.

Rule 31. On a call of the House the door shall not be shut against a member until his name is called twice and then absentees shall be noted by the Clerk and fined one dollar, unless excused by the House.

Voting.

Rule 32. No member shall vote on any question in which he is directly or indirectly interested, or on any question unless he was in the bar of the House before the result was announced.

Rule 33. Every member in the House, when a question is put, or present before the result is announced, shall vote unless excused by the House; and all motions to excuse a member from voting shall be made before the House divides or before the call of the yeas and nays is commenced; and the motion or question to excuse a member shall be decided without debate, and in no event shall any member be excused from voting on a motion to excuse another member from voting. But this rule shall not apply to the Speaker, whose name shall not be called except upon his own request, and then only at the end of the roll call, and before the result is announced, but in all cases of a tie the Speaker shall vote.

Rule 34. Before a vote shall be counted, the member casting it shall be either at his seat or visibly approaching it.

Order of Business.

Rule 35. The order of business of each day shall be as follows:

1. Invocation.
2. Roll call.

3. Reading of the Journal of preceding day and correction of any errors that may be found to exist therein.

4. Petitions.

5. Motions and resolutions, which shall not include joint resolutions, limited to one hour.

6. Introduction of bills.

7. Reports of special and standing committees in the order as contained in Rule 43.

8. The Orders of the Day which shall be called at twelve o'clock each day.

9. Any business which did not belong to the orders of the day and which remains unfinished upon the adjournment of the House, or upon the call of the standing orders of the day, shall be the first business in order each day, upon the convening of the House. Any business which belongs to the standing orders of the day, which remains unfinished upon the adjournment of the House, shall be the first business when the orders of the day are resumed.

Rule 36. The word "Bill" whenever and wherever used in these rules shall include joint resolutions.

Introduction of Bills.

Rule 37. Subdivision 1. On each day after the fifth order above named in Rule 35, there shall be a call of the counties and representative districts for the introduction of bills and joint resolutions, which shall be privileged and take precedence of all other business of the House; provided, that the orders of the day be called for precisely at 12 o'clock on each day; and, provided, further, that upon the call for the presentation of bills, in the event that every county shall not have been called on the previous day, the Clerk shall, on the next day, commence the call where he left off at last call.

On the call of each county and representative district, the member from said county shall rise from his seat and addressing the chair send to the Clerk's desk a bill or bills or joint resolution which he wished to introduce, with the title thereof

endorsed thereon in a plain and legible hand, which bill or joint resolution shall be read by its title, and thereupon the Speaker shall order the same to be printed and refer the same to its appropriate committee for consideration and report, and from such order of reference by the Speaker the member introducing the bill may appeal to the House if he so desires. All bills shall be printed and distributed in the order in which they are introduced, and the usual number of copies of the same shall be printed for the use of the members of the Senate and House.

Subdivision 2. Upon the report of a bill or joint resolution by any committee, the Clerk shall report the same in full, which shall be considered the first reading of the bill or joint resolution, and shall be so entered upon the journal.

Subdivision 3. The Clerk shall keep a register of all bills introduced in the House, or transmitted for concurrence from the Senate in which shall be recorded, under appropriate heads, the progress of such bills from the date of their introduction to the time of their transmission, if House bills, to the Governor, or if Senate bills their return to the Senate.

Subdivision 4. When a bill has had its first reading it shall be placed by the Clerk on a calendar to be kept by him, and said calendar shall be separate from the bills in the orders of the day. Each day when the House enters into the consideration of the orders of the day, the Clerk shall take up the calendar and give all bills therein their second reading, except such as have been placed there upon that day.

Amendments.

Rule 38. More than one amendment to any part or section of any proposition or bill shall not be offered at the same time or entertained by the Speaker.

Each amendment originally pending shall be disposed of before another may be entertained to the same or any other part or section of the main proposition or bill.

All committee amendments shall be disposed of before any other amendment may be offered by a member or enter-

tained by the Speaker. Provided however, that whenever and wherever blanks are to be filled, the rule above shall yield to general parliamentary law.

Rule 39. When a bill has been read a second time, it shall be placed in the orders of the day or recommitted and when next reached in the House it shall be ready for amendment, recommitment or debate, or to be read a third time and placed upon its passage. A bill may be recommitted at any time before the passage.

Pule 40. When a bill shall have been referred to any committee, it shall be the duty of the chairman of such committee to submit the bill to the consideration of his committee and such committee shall make such amendments to said bill as it may deem proper, and report said bill to the House with such amendments. A majority of the members of a committee shall be present before a bill may be considered. No bill shall be considered or a report of same determined upon, except when a committee is in session. A committee in reporting a bill to the House shall make its report in writing, and such a report shall be signed by a majority of such committee, but after said majority report has been made the minority may make its report, which shall also be in writing, and signed by the members of the committee making such report. Bills shall not be engrossed except by order of the House, and the style of every bill shall be: "Be it enacted by the General Assembly of the Commonwealth of Kentucky." Provided, however, that no committee shall hold or refuse to report a bill for an unreasonable time, and if same shall not be reported in a reasonable time, the said bill may be called up by any member of the House and be considered in the same manner it would have been considered if it had been reported without expression of such committee. The House shall, at all times, be the judge of what shall constitute a reasonable or an unreasonable length of time under this provision.

Rule 41. When a bill passes it shall be certified by the Clerk, who, at the foot thereof, shall note the day on which it passed.

Suspension of the Rules.

Rule 42. The standing rules of the House and the regular order of business shall not be suspended, amended or interrupted unless by a vote of a majority of the members elected.

Standing Committees.

Rule 43. The following shall be and constitute the standing committees of the House of Representatives, and each committee shall be composed of nine members, except the Committee on Rules, which shall consist of eighteen members besides the Speaker:

Agriculture.
Alcoholic Liquor Traffic.
Appropriation No. 1.
Appropriation No. 2.
Banks and Banking.
Bond Issues.
Charitable Institutions.
Circuit Courts.
Cities of 2nd and 3rd Class.
Cities of 4th Class.
Cities of 5th and 6th Class.
Claims.
Classifications of Cities and Towns.
Codes of Practice.
Compensation for Industrial Injuries.
Confederate Home.
Constitutional Amendments.
Corporate Institutions.
County and City Courts.
Court of Appeals.
Criminal Law.

Education No. 1.
Education No. 2.
Electric Utilities.
Enrollment.
Executive Affairs.
Federal Relations.
Fish and Game.
Forestry.
Geological Survey.
Home Economics.
Immigration and Labor.
Insurance, Fire and Marine.
Insurance, Life and Accident.
Interurban and City Railways.
Judiciary.
Juvenile Courts and Children's Homes.
Kentucky Statutes.
Military Affairs.
Mines and Mining.
Motor Transportation.
Municipalities.
Normal Schools.
Oil and Minerals.
Printing.
Public Bridges and Ferries.
Public Ditches.
Public Health.
Public Safety.
Public Utilities.
Railroads.
Redistricting Congressional.
Redistricting Judicial.
Redistricting Legislative.
Retrenchment and Reform.
Revenue and Taxation No. 1.
Revenue and Taxation, No. 2.

Roads and Highways No. 1.
Roads and Highways No. 2.
Rules.
State Fair.
State Parks.
State Properties.
State University.
Suffrage and Elections.
Tuberculosis.

And it shall not be competent for the House by vote or otherwise, to add any one to the membership of either of said committees; but a vacancy from any cause may be filled by appointment by the Speaker.

Rule 44. The Committee on Enrollment may report any time when not excluded by a privileged motion; provided, that when any committee shall have occupied the morning hour on two days, it shall not be in order for such committee to report further until other committees are called. And provided, also, that no bill shall be reported by any committee which was introduced after said committee began its report.

Rule 45. It shall be the standing order of the day throughout the session for the House to resolve itself into a committee of the whole House on the state of the Commonwealth.

Rule 46. When a bill or other matter is committed to a committee of the whole House the question of going into the committee of the whole shall be first in the order of the day.

Rule 47. In committee of the whole House, bills shall be read and debated by sections, leaving the preamble and title to be last considered.

Rule 48. All amendments made to an original House bill or resolution in committee of the whole House shall be incorporated in the original and so reported.

Rule 49. All questions, whether in the committee or in the House, shall be disposed of in the order in which they are

moved, except that in filling blanks the largest sum and the most remote day shall be put first.

Rule 50. The rules of the House shall be observed in committee when applicable, except the rule limiting the time of speaking.

Fines.

Rule 51. All fines imposed on absentees shall be collecter by the Sergeant-at-Arms and covered into the Treasury.

Clerk's Duty.

Rule 52. The Clerk or Assistant Clerk shall report all bills or resolutions to the Senate unless otherwise ordered by the House.

Rule 53. No member or other person shall remain by the Clerk's desk when the yeas and nays are being called.

Rule 54. All bills and joint resolution originating in the Senate and reported to this House and passed therein, shall be read by their titles, when the Speaker shall refer them to appropriate committees.

Duties of the Enrolling Clerk.

Rule 55. The Enrolling Clerk of the House shall each day call upon the Clerk and when not engaged in enrolling bills, shall perform such duties as he may direct, take charge of all House bills as soon as they are reported back to the House and ready to be enrolled; keep an accurate account of and carefully preserve all of them; cause them without delay to be plainly and legibly enrolled without blots, erasures or interlineations, and present the same when enrolled to the Committee on Enrollments, who shall immediately report them to the House for comparison, and the signature of the Speaker; and when signed by the Speaker of the House, the Enrolling Clerk shall deliver them at once to the Senate or such committees as may be authorized to receive them in that body. All original House bills shall be returned by Enrolling Clerk to the Clerk of the House at the time of the

signing of the enrolled bills, and the Clerk of the House shall carefully preserve them.

Doorkeeper and Sergeant-at-Arms.

Rule 56. The Chief Clerk or his Assistant, the Doorkeeper, the Sergeant-at-Arms, and all employes under them, shall be in the House thirty minutes before the hour for the House to convene; and five minutes before the hour for the meeting of the House each day the Doorkeeper and Sergeant-at-Arms shall see that the floor of the House is cleared of all persons, except those privileged to remain. (See Rule 10.) And the Sergeant-at-Arms is empowered to deputize as many assistant Sergeant-at-Arms as he may deem necessary to carry out the order of the Speaker under Rule 4 of these Rules.

Motion to Reconsider.

Rule 57. A motion to reconsider any action of the House shall be in order if made in open session for a period of three days, Sundays included, from the time said vote was taken; but such motion shall not be in order after action has been had by the House in consequence of the decision proposed to be reconsidered, or after it has been sent to the Senate or Governor.

General Provisions.

Rule 58. On all questions not provided for in the foregoing rules, the House shall be governed by parliamentary law or usage; provided, the author of any measure shall have five minutes' time in which to explain upon a motion to lay on the table.

Rule 59. Whenever any committee shall report to the House a bill with the expression of opinion that it should not pass, said bill shall not be entitled to a reading unless it is ordered by a vote of the House; and upon the question whether or not said bill shall be read, the report of the committee to the contrary notwithstanding, no debate shall be allowed except that the originator of a bill, or any one indi-

cated by him, shall have ten minutes in which to explain the bill; and any one member of the committee who favors the report of the committee may have a like time in which to explain the action of the committee, and then if said bill shall be ordered to a reading, it shall be read the first time in full and recommitted or placed in the calendar.

Rule 60. During the last fifteen days of the session, the Committee on Rules shall have the power at any time to call from the orders of the day any bill or resolution and propose the same to the House for consideration, and should the House decide by vote to consider it, it shall be submitted for passage. The committee shall be authorized to call from the other committees any bill or resolution in their hands and have them advanced to the reading to which the bills may be entitled. Provided, however, that for the first ten days thereof, the said committee shall in its discretion cause to be posted on the day prior thereto, a list of bills and resolutions which are to be called, but said committee may withdraw from said list any bills or resolutions so posted, but shall not be permitted to substitute any other bill or resolution therefor.

Rule 61. If any bill, motion or resolution has been, by vote, carried or lost, and a motion is made to reconsider the vote by which the bill, motion or resolution was carried or lost, and said motion to reconsider is laid upon the table, then no further motion shall be entertained relative to the subject matter carried by said bill, motion of resolution, unless by the unanimous consent of the House.

Rule 62. All pairs announced in the House shall be entered on the journal.

Rule 63. When the roll is being called on any proposition and the hour of adjournment arrives, the time for adjournment shall be extended until said roll call has been completed and the result announced.

Rule 64. In all cases where general parliamentary law provides for a rule of two-thirds it shall mean in this House a majority of all the members elected thereto.

Rule 65. Five hundred copies of these rules shall be printed immediately for the use of the General Assembly.

Mr. Lewis offered the following Amendment to Rule 37 of said rules, viz:

Amended Rule 37, Subdivision 2, by adding words:

"Any standing or special Committee may originate a bill and introduce the same, when it shall have its first reading and ordered to be printed."

Mr. Lewis offered the following Amendment to said Amendment, viz:

Amend the Amendment to Rule 37, Subdivision 2, by adding the words after the word same, the words:

"provided the subject matter of said bill is germane to the meaning and intention of said Committee as indicated by its name."

Said last named Amendment was disagreed to.

The Amendment as originally offered by Mr. Lewis was disagreed to.

Mr. Lewis offered the following Amendment to Rule 40 of said rules, viz:

Amend Rule 40 by omitting the last sentence and inserting in lieu thereof the following:

"The House may determine what shall constitute a reasonable or an unreasonable length of time under this provision; and if the House shall not by vote have determined this question, the Rules Committee may by a majority vote of its

members call a bill from a Committee which has failed to report and the bill shall be considered by the House in the same manner it would have been considerel if it had been reported without expression of such Committee.''

Said Amendment was disagreed to.

Mr. Lewis offered the following Amendment to Rule 42 of said rules, viz:

''Amend Rule 42, by adding after the word ''Elected,'' the following:

''but a bill which is in Orders of the Day may be made a Special Order to be considered at a time not less than twenty-four hours distant, by a vote either of the majority of the Rules Committee or of a majority of a lawful quorum of the House.''

Said Amendment was disagreed to.

The question being taken on the adoption of the said Rules as reported by the Rules Committee it was decided in the affirmative.

Mr. Meyers moved that the vote by which said Rules were adopted be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Meyers moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

WEDNESDAY, JANUARY 13, 1926

The House was opened with prayer by the Reverend Chesterfield Turner of the Baptist Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

W. B. Ardery
Wm. J. Arvin
W. O. Bach
A. J. Baldridge
J. H. Baughman
L. D. Bax
W. B. Belknap
T. H. Benton
Shaler Berry
C. H. Berryman
W. P. Bowman
D. F. Brown
Geo. A. Brown
F. W. Bryant
J. R. Buckman
W. G. Buckner
S. J. Bunger
W. A. Carson
C. B. Carver
Lee Clark
W. E. Clark
Lonnie Cooper
Fred H. Coots
J. D. Cox
J. S. Cruse
W. J. Curtis
J. L. Cushing
C. L. Daly
Mormon B. Daniel
J. R. Dorman
E. J. Doss
James M. Durham
D. E. Edwards
J. O. Evans
D. W. Fowler
Otto C. Gartin
R. E. Glenn
C. C. Givens
F. A. Gnau
Whitsett Hall
Lawrence Harmon
J. F. Harrison
C. W. Hawkins
J. M. Hayse
Goebel B. Henson
H. M. Holbrook
H. B. Holland
S. K. Holland
Ira L. Horne
J. C. Hutcherson
E. M. Johnson
Grover C. Johnson
W. W. Johnson
D. C. Jones
Mrs. H. G. Jorris
W. O. Keller
J. R. Kelly
Thos. H. King
Oscar Leibson
W. W. Leslie
Leon P. Lewis
J. L. Manning
Joe Martin
Shelby Martin
A. M. Mercer
H. J. Meyers
H. H. Miller
J. S. Milliken
T. R. Moore
B. T. Morris
L. P. Murphy
Chas. N. McCarty
J. L. McDavid
W. J. McGill
F. T. Nichols
Caleb Page
Smith Park
J. J. Patterson
Jas. J. Peters
Geo. W. Potter
W. H. Pryor
H. A. Pulliam
Clint Raymer
R. R. Rogers
C. W. Ryans
Chas. L. Seale
M. G. Slusher
W. R. Smith
E. J. Snyder
Frank L. Strange
J. G. Swearengin
Mac Swinford
J. L. Valandingham
Chiles Van Antwerp
C. D. Vincent
W. S. Wallen
T. B. Watts

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. Jones moved that the priveleges of the floor be extended to Hon. J. F. Bosworth former member of this House, for the session.

Said motion was agreed to.

Mr. Jones moved that the priviliges of the floor be extended to Hon. Harry Miller of Lexington, former member of this House, for the session.

Said motion was agreed to.

A message was received from the Senate announcing that they had passed the following concurrent Resolution, viz:

Be It Resolved By The General Assembly Of The Commonwealth of Kentucky:

That (50) copies of the messages of the Governor to the General Assembly be printed for the use of each member of the Senate and House of Representatives. The same to be stamped and properly prepared for mailing.

Mr. Meyers moved that the rules be suspended and that said Resolution be taken up for consideration.

Said motion was agreed to.

The question being taken on the adoption of said Resolution, it was decided in the affirmative

Mr. Milliken offered the following Resolution, viz:

Whereas, there are now or will be at the conclusion of this session six thousand copies of the Governor's Message

in the hands of the Public Printer and all the bills which will be introduced at today's session will of necessity be given to the Public Printer, and

Whereas, it appears impossible for the Public Printer to have said Message and bills printed and returned to the House before next Monday,

Therefore, be it resolved by the House of Representatives, the Senate concurring therein, that when this House adjourns today, it be to meet on next Monday, January 18, at one o'clock P. M.

Said Resolution was adopted.

Mr. Meyers moved that the vote by which said Resolution was adopted be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The Chief Clerk then reported the action of the House to the Senate.

Afte a time a Message was received from the Senate announcing that they had concurred in said Resolution.

The Speaker announced the following Standing Committees of the House for the session, viz:

House Committees.

House Officers—Speaker, G. Lucien Drury; Chief Clerk, Charles J. Howes; Assistant Clerk, Clifford W. Thomas; Enrolling Clerk, Mrs. Allie S. Phillips.

Rules Committee—G. L. Drury, Chairman, Ex-Officio; J. S. Milliken, J. R. Dorman, S. K. Holland, W. S. Wallen, A. M. Mercer, R. E. Glenn, L. D. Bax, Lee Clark, T. R. Moore, HarryMeyers, C. L. Daly, H. H. Miller, Shaler Berry, W. W. Leslie, D. C. Jones, O. C. Gartin, J. S. Cruse, C. W. Ryans.

Agriculture—L. B. Murphy, Chairman; W. J. Curtis, Whitsett Hall, J. I. Peters, G. A. Brown, J. F. Harrison, J. R. Kelly, C. N. McCarty, E. J. Snyder.

Alcoholic Liquor Traffic—J. J. Patterson, Chairman; J. H. Baughman, Lonnie Cooper, W. J. Arvin, W. W. Johnson, D. W. Fowler, E. J. Snyder, A. J. Baldridge, H. M. Holbrook.

Appropriations No. 1—R. E. Glenn, Chairman; Lee Clark, J. D. Cox, W. J. Curtis, W. R. Smith, J. L. Cushing, J. M. Hayes, J. L. McDavid, J. Martin.

Appropriations No. 2—W. S. Wallen, Chairman; Mac Swinford, E. J. Doss, H. B. Holland, W. G. Buckner, L. D. Bax, O. Liebson, Clint Raymer, H. B. Holbrook.

Banks and Banking—Shelby Martin, Chairman; R. E. Glenn, W. R. Smith, W. B. Ardery, P. H. Baughman, C. L. Daly, D. F. Brown, C. H. Berryman, J. S. Cruse.

Bond Issues—W. A. Carson, Chairman; A. M. Mercer, W. J. Arvin, H. H. Miller, W. O. Keller, W. B. Belknap, D. F. Brown, R. R. Rogers, J. L. McDavid.

Charitable Institutions—C. L. Daly, Chairman; W. W. Leslie, T. H. King G. A. Brown, W. W. Johnson, T. R. Moore, E. J. Snyder, C. H. Berryman, A. J. Baldridge.

Circuit Courts—B. T. Morris, Chairman; J. R. Buckman, W. S. Wallen, L. B. Murphy, J. L. Cushing, W. J. Arvin, D. C. Jones, C. L. Seale, T. B. Watts.

Cities of Second and Third Class—J. L. Cushing, Chairman; Harry Meyers, F. L. Strange, F. H. Coots, C. VanAntwerp, L. B. Murphy, Otto C. Gartin, R. R. Rogers, T. H. Benton.

Cities of the Fourth Class—C. W. Harkins, Chairman; C. C. Givens, J. H. Baughman, W. W. Leslie, C. B. Carver, Whitsett Hall, M. G. Slusher, D. F. Brown, S. Parks.

Cities of Fifth and Sixth Class—J. R. Buckman, Chairman; J. J. Patterson, D. E. Edwards, S. J. Bunger, J. O. Evans, E. T. Morris, W. H. Pryor, Caleb Page, J. L. Horn.

Claims—E. J. Doss, Chairman; C. C. Givens, F. A. Gnau,

H. J. Meyers, J. O. Evans, Shelby Martin, J. M. Durham, W. E. Clark, F. T. Nichols.

Classification of Cities and Towns—F. H. Coots, Chairman, G. C. Johnson, M. B. Daniel, F. A. Gnau, W. O. Back, J. L. Vallandingham, M. G. Slusher, O. Liebson, C. D. Vincent.

Codes of Practice—Leon P. Lewis, Chairman; P. J. Ryan, H. A. Pulliam, W. G. Buckner, Mac Swinford, J. I. Peters, C. L. Seale, O. Liebson, J. W. Hayse.

Compensation for Industrial Injuries—F. A. Gnau, Chairman; Chiles VanAntwerp, T. R. Moore, D. E. Edwards, G. C. Johnson, J. C. Hutcherson, T. B. Watts, T. H. Benton, L. Harmon.

Confederate Home—W. W. Johnson, Chairman; E. J. Doss, T. H. King, F. H. Coots, J. C. Hutcherson, E. M. Johnson, T. H. Benton, L. Harmon, W. E. Clark.

Constitutional Amendments—J. H. Baughman, Chairman; H. Pulliam, Lonnie Cooper, W. B. Ardery, W. O. Bach, S. J. Bunger, W. H. Pryor, M. G. Slusher, I. L. Horne.

Corporate Institutions—J. O. Evans, Chairman; D. W. Fowler, J. I. Peters, J. R. Buckman, B. T. Morris, J. J. Patterson, J. M. Hayse, O. Liebson, W. P. Bowman.

County and City Courts—G. A. Brown, Chairman—J. D. Cox, E. J. Doss, G. B. Henson, W. J. McGill, L. D. Bax, Caleb Page, F. W. Bryant, C. N. McCarty,

Court of Appeals—W. B. Ardery, Chairman; Leon P. Lewis, C. L. Daly, G. W. Potter, J. F. Harrison, G. A. Brown, C. L. Seale, O. Liebson, J. M. Hayse.

Crminal Law— Harry J. Meyers, Chairman; H. B. Holland, M. BB. Daniel, C. B. Carver, F. L. Strange, J. L. Vallandingham, Caleb Page, F. W. Bryant, R. R. Rogers.

Education No. 1—W. O. Keller, Chairman; Mac Swinford, C. W. Hawkins, E. M. Johnson, W. J. Arvin, Shelby Martin, J. L. McDavid, Otto C. Gartin, S. Parks.

Education No. 2—H. A. Pulliam, Chairman; F. H. Coots, T. H. King, W. B. Belknap, Shaler Berry, G. W. Potter, C. D. Vincent, J. R. Kelley, Clint Raymer.

Electric Utilities—J. D. Cox, Chairman; P. J. Ryans, J. I. Peters, J. J. Patterson, T. R. Moore, Whitsett Hall, M. G. Slusher, J. Martin, J. M. Durham.

Enrollment—H. B. Holland, Chairman; Chiles VanAntwerp, W. J. McGill, J. D. Cox, C. W. Hawkins, D. E. Edwards, F. W. Bryant, L. Harmon, F. T. Nichols.

Executive Affairs—W. J. Arvin, Chairman; H. A. Pulliam, P. J. Ryan, J. C. Hutcherson, S. J. Bunger, G. C. Johnson, W. E. Clark, J. M. Durham, J. R. Kelley.

Federal Relations—G. C. Johnson, Chairman; C. C. Givens, W. O. Bach, J. R. Buckman, F. A. Gnau, J. O. Evans, W. E. Clark, C. N. McCarty, C. D. Vincent.

Fish and Game—T. H. King, Chairman; C. L. Daly, W. O. Keller, J. F. Harrison, E. M. Johnson, L. B. Murphy, T. H. Benton, R. R. Rogers, L. Harmon.

Forestry—S. J. Bunger, Chairman; J. F. Harrison, F. H. Coots, E. J. Doss, J. H. Baughman, J. O. Evans, T. H. Benton, C. L. Seale, W. H. Pryor.

Geological Survey—W. J. Curtis, Chairman; Shaler Berry, L. D. Bax, W. G. Buckner, W. W. Johnson, F. L. Strange, J. G. Swearengin, W. P. Bowman, T. B. Watts.

Immigration and Labor—C. B. Carver, Chairman; G. A. Brown, F. A. Gnau, G. C. Johnson, L. D. Bax, H. J. Meyers, C. H. Berryman, J. R. Kelly, H. M. Holbrook.

Insurance, Fire and Marine—Lee Clark, Chairman; W. A. Carson, W. J. McGill, T. H. King, J. R. Dorman, W. O. Keller, S. Parks, J. L. Manning, Clint Raymer.

Insurance, Life and Accident—W. R. Smith, Chairman; Shaler Berry, W. J. Curtis, R. E. Glenn, E. M. Johnson, Shelby Martin, A. J. Baldridge, E. J. Snyder, F. W. Bryant.

Interurban and City Railways—Whitset Hall, Chairman; D. W. Fowler, J. J. Patterson, Lonnie Cooper, W. B. Ardery, Leon P. Lewis, C. W. Ryans, R. R. Rogers, J. G. Swearengin.

Judiciary—Mac Swinford, Chairman; P. J. Ryan, H. B. Holland, W. G. Buckner, W. S. Wallen, W. R. Smith, J. L. McDavid, T. B. Watts, D. C. Jones.

Juvenile Courts and Children's Homes—J. L. Vallandingham, Chairman; H. A. Pulliam, C. C. Givens, Whitsett Hall, S. J. Bunger, W. O. Keller, Mrs. H. G. Jorris, F. W. Bryant, Caleb Page.

Kentucky Statutes—P. J. Ryan, Chairman; J. L. Cushing, W. J. Curtis, C. W. Hawkins, Leon P. Lewis, M. B. Daniel, C. H. Berryman, C. W. Ryans, J. S. Cruse.

Military Affairs—D. W. Fowler, Chairman; G. B. Henson, D. E. Edwards, J. R. Buckman, A. M. Mercer, J. D. Cox, H. M. Holbrook, C. L. Seale, C. W. Ryans.

Mines and Mining—S. K. Holland, Chairman; W. S. Wallen, G. W. Potter, H. H. Miller, J. L. Cushing, F. L. Strange, W. H. Pryor, D. C. Jones, C. D. Vincent.

Motor Transportation—G. W. Potter, Chairman; W. R. Smith, J. S. Milliken, B. T. Morris, C. W. Hawkins, L. B. Murphy, W. P. Bowman, J. L. McDavid, J. Martin.

Municipalities—Shaler Berry, Chairman; J. C. Hutcherson, D. W. Fowler, J. L. Vallandingham, T. R. Moore, W. T. Arvin, F. T. Nichols, Clint Raymer, J. W. Hayse.

Normal Schools—Chiles VanAntwerp, Chairman; Lee Clark, W. S. Wallen, W. W. Johnson, S. K. Holland, B. T. Morris, S. Park, W. H. Pryor, A. J. Baldridge.

Oils and Minerals—Warren County, Chairman; Lonnie Cooper, H. H. Miller, B. T. Morris, T. H. King, G. C. Johnson, A. J. Baldridge, D. C. Jones, H. M. Holbrook.

Printing—E. M. Johnson, Chairman; W. B. Ardery, Chiles VanAntwerp, W. A. Carson, C. B. Carver, W. J. McGill, T. B. Watts, C. N. McCarty, F. T. Nichols.

Public Bridges and Ferries—D. E. Edwards Chairman; Lee Clark, G. B. Henson, S. K. Holland, L. B. Murphy, H. H. Miller, W. E. Clark, J. L. Manning, W. P. Bowman.

Public Ditches—Lonnie Cooper, Chairman; D. E. Edwards, C. C. Givens, F. H. Coots, J. F. Harrison, G. B. Henson, J. S. Cruse, J. R. Kelley, C. M. McCarty.

Public Health—W. W. Leslie, Chairman; Shaler Berry,

T. R. Moore, J. L. Vallandingham, S. J. Bunger, John S. Milliken, J. L. McDavid, R. R. Rogers, A. J. Baldridge.

Public Safety—W. O. Bach, Chairman; Lonnie Cooper, Whitsett Hall, W. G. Buckner, C. B. Carver, J. J. Patterson, Mrs. H. G. Jorris, Caleb Page, I. L. Horne.

Public Utilities—G. B. Henson, Chairman; J. R. Buckman, J. L. Cushing, Shelby Martin, C. C. Johnson, J. O. Evans, J. M. Durham, C. N. McCarty, R. R. Rogers.

Railroads—L. D. Bax, Chairman; J. S. Milliken, W. J. Curtis, J. R. Dorman, C. W. Hawkins, W. W. Leslie, Otto C. Gartin, M. G. Slusher, C. W. Ryans.

Redistricting—Congressional—H. H. Miller, Chairman; J. S. Milliken, J. R. Dorman, W. W. Leslie, Lee Clark, S. K. Holland, J. S. Cruse, C. L. Seale, D. C. Jones.

Redistricting—Judicial—C. C. Givens, Chairman; W. B. Belknap, Leon P. Lewis, A. M. Mercer, G. B. Henson, W. W. Leslie, I. L. Horne, J. M. Hayse, J. S. Cruse.

Redistricting—Legislative—W. J. McGill, Chairman; Warren County, R. E. Glenn, Shaler Berry, L. D. Bax, P. J. Ryan, E. J. Snyder, C. D. Vincent, Caleb Page.

Retrenchment and Reform—J. F. Harrison, Chairman; J. H. Baughman, W. O. Bach, Mac Swinford, Lewis F. Allen, S. J. Bunger, I. L. Horne, Mrs. H. G. Jorris, E. J. Snyder.

Revenue and Taxation No. 1—J. S. Milliken, Chairman; J. R. Dorman, B. T. Morris, M. B. Daniel, S. K. Holland, G. W. Potter, J. L. Manning, J. L. McDavid, J. Martin.

Revenue and Taxation No. 2—A. M. Mercer, Chairman; W. B. Belknap, Lonnie Cooper, Shelby Martin, H. B. Holland, W. A. Carson, Otto C. Gartin, C. W. Ryans, J. S. Cruse.

Roads and Highways No. 1—J. R. Dorman, Chairman; J. S. Milliken, H. H. Miller, G. B. Henson, A. M. Mercer, Leon P. Lewis, J. L. McDavid, M. G. Slusher, J. S. Cruse.

Roads and Highways No. 2—F. L. Strange, Chairman; T. H. King, W. A. Carson, W. J. McGill, C. B. Carver, R. E. Glenn, I. L. Horne, Otto Gartin, J. L. Manning.

Home Economics—Mrs. H. G. Jorris, Chairman; W. R.

Smith M. B. Daniel, W. B. Ardery, Mac Swinford, Chiles VanAntwerp, W. O. Keller, J. G. Swearingin, L. Harmon.

State Fair—W. B. Belknap, Chairman; H. J. Meyers, M. B. Daniel, W. B. Ardery, E. M. Johnson, Warren County, T. B. Watts. D. F. Brown, S. Parks.

State Parks—W. G. Buckner, Chairman; G. W. Potter, J. C. Hutcherson, W. O. Keller, G. A. Brown, W. B. Belknap, Mrs. H. G. Jorris, J. Martin, L. Harmon.

State Properties—J. I. Peters, Chairman; J. D. Cox, H. A. Pulliam, E. J. Doss, Warren County, D. W. Fowler, J. M. Durham, W. E. Clark, W. P. Bowman.

State University—M. B. Daniel, Chairman; W. J. Arvin, J. L. Vallandingham, W. B. Belknap, C. L. Daly, W. A. Carson, C. H. Berryman, Otto C. Gartin, S. Parks.

Suffrage and Elections—J. C. Hutcherson, Chairman; H. B. Holland, W. W. Johnson, C. VanAntwerp, F. A. Gnau, J. I. Peters, F. T. Nichols, W. P. Bowman, J. G. Swearengin.

Tuberculosis—T. R. Moore, Chairman; Warren County, W. O. Bach, J. H. Baughman, J. L. Vallandingham, Shaler Berry, J. R. Kelley, T. H. Benton, D. F. Brown.

Upon a call of the Counties and Representative Districts, Bills and Joint Resolutions were introduced, ordered printed and referred as follows, viz:

By Mr. Arvin:

H. B. 1. An act establishing and making the road leading from Columbia in Adair County, via the bridge over Green River near Eunice, Kentucky via Pellyton, Kentucky and by way of the bridge over Green River just above Dunville, Kentucky, to Liberty, the county seat of Casey county a part of the Primary System of the State Highways of the Commonwealth of Kentucky, and designating the said road as Project No. ——.

To Committee on Public Roads and Highways No. 2.

By Mr. Hutcherson:

H. B. 2. A bill to provide money for the maintenance and furnishing of a County Hospital, in counties having a city of the fifth class; and, in which there is established, in such county, a Community Hospital; that is, a non-dividend paying Hospital, constructed by donation, or endowment fund.

To Committee on Cities of the Fifth Class.

By same:

H. B. 3. An act to create a Bureau of Purchases and Property and a position of Purchasing and Property Officer, to prescribe the duties of the Purchasing and Property Officer, and to provide for the central purchasing for all State departments, institutions, offices, and other branches of the State administration, including State-aided Institutions.

To Committee on Kentucky Statutes.

By Chiles VanAntwerp.

H. B. 4. An act creating a Commission on the Fiscal Affairs of the Commonwealth of Kentucky and its Counties and for other purposes.

To Committee on Appropriation No. 1.

By Mr. Slusher:

H. B. 5. An act relating to Public Utilities and amending Section 201, E. Kentucky Statutes, 1922, Carroll's Edition.

To Committee on Electrical Utilities.

By Same:

H. B. 6. An act relating to roads and bridges and amending Chapter 17 of the Acts of the General Assembly of 1920,

and by adding thereto, as Project No. 299 D. extending from Gatliff, Whitley County, Kentucky and from Capito, Bell County, Kentucky to Black Snake, Bell County, Kentucky, by way of Chenoa, Bell County, Kentucky.

To Committee on Public Roads and Highways No. 2.

By. Mr. Ardery:

H. B. 7. An Act to repeal Paragraph 5 of Section 3990A of Carroll's Kentucky Statutes, Edition 1922, relating to the jurisdiction of the Racing Commission.

To Committee on Kentucky Statutes.

By same.

H. B. 8. An Act to repeal and re-enact Section 1882 of Carroll's Kentucky Statutes, Edition 1915, relating to the powers of fiscal courts in the levying of taxes and the disposition of such taxes.

To Committee on Kentucky Statutes.

By same.

H. B. 9. An Act to amend and re-enact Section 4258, Carroll's Kentucky Statutes, Edition 1922, relating to appointment of Revenue Agents for the state at large.

To Committee on Revenue and Taxation No. 1.

By Mr. Gartin:

H. B. 10. An Act amending and re-enacting Section 3235a-28 Carroll's Kentucky Statutes, 1918 Edition, and 3235a-26 of Supplement of 1922 Edition of Carroll's Kentucky Statutes which is Chapter 52, page 174 Acts of 1922, approved

March 23, 1922, relating to power to purchase site, issue of improvement bonds to be submitted to the people and provisions concerning bonds and relating to duties and powers and incurring indebtedness and relating to the rate of taxation and time the same is to be effective.

To Committee on Cities of the 2nd and 3rd Classes.

By Mr. Miller.

H. B. 11. An Act relating to roads and highways.

To Committee on Public Roads and Highways No. 2.

By Mr. Clark.

H. B. 12. An Act to amend Sections 1961 and 3914-B of Carroll's Kentucky Statutes, and also to amend an Act approved March 11, 1920, entitled, "An Act prohibiting betting or wagering on horse races, other than at licensed race tracks, or within enclosures during regular meetings wherein running, trotting or pacing races are being conducted by associations regularly organized for that purpose and prescribing a penalty therefor."

To Committee on Kentucky Statutes.

By Mr. Berry.

H. B. 13. A Bill to safeguard the distribution and sale of certain dangerous, caustic or corrosive acids, alkalis or other substances in the Commonwealth of Kentucky.

To Committee on Public Health.

By Same.

H. B. 14. An Act to amend and re-enact Section 3563 of the Kentucky Statutes, relating to the control and improve-

ment of public strets, alleys, sidewalks, roads, lanes, avenues, highways and thoroughfares in cities of the Fourth Class.

To Committee on Cities of the 4th Class.

By Same.

H. B. 15. An Act providing for the establishment of a State Training School for Girls and providing for the funds to construct or purchase same, etc.

To Committee on Charitable Institutions.

By Mr. McDavid.

H. B. 16. An Act to repeal and re-enact Chapter 8 of the Acts of the General Assembly of 1914, being Section 1213a Kentucky Statutes, 1922 Edition, and being entitled, "An Act to regulate the making, drawing, uttering or delivering of checks, drafts or orders for the payment of moneys, and fixing the penalties for violation of same, known as the cold check law.

To Committee on Criminal Law.

By same.

H. B. 17. An Act to amend and re-enact Section 2251 Kentucky Statutes, 1922 Edition, in relation to compensation of grand jurors in the Circuit Courts of this Commonwealth.

To Committee on Circuit Courts.

By Same.

H. B. 18. An Act to amend Section Five of Chapter 17 of the Acts of the General Assembly of 1920, which is now Sec. 4356t-5 of 1922 Edition of Carroll's Statutes, relating to roads and bridges.

To Committee on Public Roads and Highways No. 1.

By same.

H. B. 19. An Act to amend and re-enact Section 2260, Kentucky Statutes, 1922 Edition, in relation to compensation of petit jurors in Circuit and Inferior Courts.

To Committee on Circuit Courts.

H. B. 20 An Act to amend Sec. 5 of Chapter 17 of the Acts of the General Assembly of 1920, which is now Section 4356t-5 of 1922 Edition of Carroll's Statutes, relating to roads and bridges.

To Committee on Public Roads and Highways No. 1.

By Mr. Keller.

H. B. 21. An Act for the protection and conservation of game, fish and fur-bearing animals.

To Committee on Fish and Game.

By Mr. Cooper.

H. B. 22. An Act to regulate the sale of fruit trees, vines, shrubs or plants by non-residents requiring the execution of bond and providing a penalty for its violation.

To Committee on Agriculture.

By Mr. Vallandingham.

H. B. 23. An Act to amend and re-enact Sec. 415B-6, Kentucky Statutes, relating to Confederate Soldiers entitled to pensions.

To Committee on Confederate Homes.

By Mr. Wallen.

H. B. 24. An Act to repeal and re-enact Subsection 6 of Section 317 of Civil Code of Practice, Carroll's Code, Sixth Edition, 1919.

To Committee on Codes of Practice.

By same.

H. B. 25. An Act to repeal and re-enact Section 277, Carroll's Criminal Code of Practice, Sixth Edition, 1919.

To Committee on Codes of Practice.

By same.

H. B. 26. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

To Committee on Public Roads and Highways No. 2.

By same.

H. B. 27. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

To Committee on Public Roads and Highways No. 2.

By same.

H. B. 28. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

To Committee on Public Roads and Highways No. 2.

By Mr. Moore.

H. B. 29. An Act to amend and re-enact Section 16 and subsection a, of said Section 16, of Chapter 69 of the Acts of the General Assembly of 1918 relating to the appointment of a State Veterinarian and Deputy State Veterinarian, prescribing their qualifications, defining their duties and providing for their salaries to be fixed by the State Live Stock Sanitary Board.

To Committee on Agriculture.

By same.

H. B. 30. An Act relating to the retirement of Judges of Court of Appeals.

To Committee on Court of Appeals.

By same.

H. B. 31. An Act to regulate rates on connecting lines, relative to railroads.

To Committee on Railroads.

By Mr. Brown.

H. B. 32. An Act authorizing the restoration to sound mind of persons who have been adjudged of unsound mind.

To Committee on Judiciary.

By Mr. Jones.

H. B. 33. An Act entitled "An Act changing the name of Poorfork, Harlan County, Kentucky, to that of 'Cumberland,' Harlan, County, Kentucky."

To Committee on County and City Courts.

By same.

H. B. 34. An Act to repeal Section 10 of Chapter 36 of the Acts of 1920 and providing for the election of the County Superintendent of Schools by the people.

To Committee on Education No. 2.

By same.

H. B. 35. An Act to allow persons convicted of liquor violations in inferior Courts to execute peace bond before County Judge.

To Committee on Judiciary.

By same.

H. B. 36. An Act to amend Section 4421-a-5 Kentucky Statutes, Carroll's 1922 Edition, relating to School Text Books.

To Committee on Education No. 1.

By Mr. Swinford.

H. B. 37. An Act providing for the reorganization of the State government, creating certain designated departments and prescribing their powers and duties, and providing for the consolidation and abolishment of departments.

To Committee on Kentucky Statutes.

By Mr. Coots.

H. B. 38. An Act providing for change in fiscal administration, to-wit: budget procedure, auditing, depositing

funds and balances in the Treasury, authorizing expenditures and other accounting, financial and related matters; creating a Budget Commission, State Budget Office and Advisory Budget and Audit Committee and repealing Acts inconsistent herewith.

To Committee on Revenue and Taxation No. 1.

By Mr. Leslie.

H. B. 39. An Act to repeal and re-enact Sections 6, 9 and 15 of "An Act granting pensions to indigent and Confederate Veterans and, etc."

To Committee on Confederate Home.

By Mr. Givens.

H. B. 40. An Act to appropriate one-half of all motor vehicle license fees, motor vehicle registration fees, chauffer's license fees and gasoline tax to the counties of this Commonwealth for the construction, reconstruction, maintenance and repair, with permanent material, of public roads other than roads of the Primary System of State Highways, and to apportion same to the several counties of the Commonwealth of Kentucky in proportion to their land area in square miles.

To Committee on Public Roads and Highways No. 1.

By same.

H. B. 41. An Act to require all steam railroad companies operating locomotives in or through the State of Kentucky to provide and equip each and every locomotive engine so operated in this State with automatic or foot power firebox doors, which shall be operated by steam, compressed air, electricity or foot power, as deemed best and most efficient, and providing penalties for violation thereof.

To Committee on Railroads.

By Mr. Fowler.

H. B. 42. An Act providing for the licensing of drivers of motor vehicles upon the highways of this Commonwealth, providing for the issual or revocation of same, the recording of motor vehicle offenses, fixing the amount of said license, and providing penalties for violations.

To Committee on Motor Transportation.

By same.

H. B. 43. An Act to create a State Employment Commission and to regulate and improve the civil service.

To Committee on Kentucky Statutes.

By Mr. Gnau.

H. B. 44. An Act to amend Section 4 of an Act approved March 18th, 1914, entitled, "An Act to provide a stenographer for the County Judge of counties in the Commonwealth containing a population of two hundred thousand or over," being Section 1061a-4 of the Kentucky Statutes, Carroll's Edition of 1922.

To Committee on Municipalities.

By same.

H. B. 45. An Act to amend Section 3 of an Act approved March 19, 1908, entitled, "An Act relating to children who are now or may hereafter become dependent, neglected or delinquent, to define these terms and fixing and defining the powers of the several County Courts within this Commonwealth, with reference to the care, treatment and control of such children, and to provide for the means whereby such

powers may be exercised,'' as amended by an Act approved March 23, 1910, entitled, ''An Act to amend Sec. 3 of an Act of the General Assembly of the Commonwealth of Kentucky, approved March 19, 1908, entitled an 'Act relating to children who are now or may hereafter become dependent, neglected or delinquent, to define these terms and fixing and defining the powers of the several County Courts within this Commonwealth, with reference to the care, treatment and control of such children, and to provide for the means whereby such powers may be exercised,' '' being Section 331e-3 of the Kentucky Statutes, Carroll's Edition of 1922.

To Committee on Juvenile Courts and Children's Homes.

By Mr. Lewis.

H. B. 46. An Act entitled ''An Act to amend Section 865 of Kentucky Statutes of 1915, compiled by the Hon. John D. Carroll, being also Section 865 of Chapter 144, Acts 1918, being to further regulate the operation and management of building and loan associations.

To Committe on Banks and Banking.

By same.

H. B. 47. An Act to amend and re-enact Subsection 6, Section 1550 of the Kentucky Statutes, Carroll's 1915 Edition, as previously amended by Chapter 156 of the Acts of 1920, and as further amended by Chapter 99 of the Acts of 1920.

To Committee on Suffrage and Elections.

By Mr. Hayse.

H. B. 48. An Act to amend and re-enact Section 1055 of the Kentucky Statutes (Carroll's 1915) providing for the record books of the Judge of the Quarterly Court and said Quarterly Court; providing for the appointment of the clerk

and deputies of said Court, their compensation and the disposition of fees from said Court, with certain provisions regarding same, applicable only to Counties having a population of One Hundred and Fifty Thousand (150,000) or more.

To Committee on County and City Courts.

By Same.

H. B. 49. An Act to repeal and re-enact Chapter 59 of the Acts of the General Assembly of 1918 relating to Courts of Justice.

To Committee on Circuit Courts.

By Mr. Watts.

H. B. 50. An Act to amend and re-enact Subsection A of Section 2 of Chapter 90 of the Acts of the General Assembly of 1920, entitled, "An Act relating to vehicles, regulating their use and operation upon the public highways of this Commonwealth; providing for the registration and licensing of motor vehicles, fixing the amount of license, manner of payment thereof; providing for the registration and licensing of operators of motor vehicles and the amount of such license; preventing illegal traffic in motor vehicles; providing a penalty for the violation of this Act;" so as to extend the time for the procurement of automobile license tags, and repealing any and all conflicting laws.

To Committee on Motor Transportation.

By Mr. Ryans.

H. B. 51. An Act relating to the qualification of members and officers of the Police Force in cities of the first class, and repealing Chapter 84 of the Acts of the General Assembly of 1924.

To Committee on Municipalities.

By Mr. Meyers:

H. B. 52. An Act to provide for the cost of fiduciaries' bonds, and for charging the payment thereof to the estate in the hands of the fiduciary.

To Committee on Kentucky Statutes.

By same:

H. B. 53. An Act to amend and re-enact Section 3235a-2 Subsection 3, and 3235e-4, Subsection 3 of Kentucky Statutes, Carroll's 1922 Edition, relating to teachers' insurance and annuity funds of cities of the second class.

To Committee on Cities of 2nd and 3rd Classes.

By same:

H. B. 54. An Act to make January the 19th a Legal Holiday.

To Committee on Home Economics

By same:

H. B. 55. An Act to require any driver of any vehicle on a public highway, on approaching railway and interurban grade crossings, outside of cities and incorporated towns, to stop, look and listen, before passing thereover, and to require Highway Commissioners to erect and maintain stop signs for such crossings; and to require railway and interurban companies to furnish and deliver said signs; and providing penalties for non-compliance to stop, look and listen.

To Committee on Public Safety.

By same:

H. B. 56. An act to regulate boilers' construction.

To Committee on Kentucky Statutes.

By Mr. Cushing:

H. B. 57. An Act relating to the creation of water districts in counties of the State, and providing for the establishment, construction, of purchase of a water system, for the purpose of furnishing water to the inhabitants thereof; prescribing the methods of expenditure, the assessment and collection of costs and expenses thereof; providing for the appointment of Commissioners and prescribing their duties and providing for the payment of employees and officers. The issuing and selling of district bonds with which to secure funds to defray the costs and expenses of any such improvements, repealing an act entitled "An Act providing for the creation of water districts, etc.," approved March 25, 1924.

To Committee on Public Health.

By same:

H. B. 58. An Act repealing Section 3783 of the Kentucky Statutes, as amended March 23, 1920, Chapter 80, page 376, and as further amended March 22, 1922, Chapter 44, page 159 of the Acts of 1922 said act relating to patrols and re-enacting same.

To Committee on Cities of 2nd and 3rd Classes.

By same:

H. B. 59. An Act to amend and re-enact Sections 3037f-1, 3037f-2, 3037f-3, 3037f-4, 3037f-5, 3037f-6, 3037f-7, 3037f-8,

3037f-9, 3037f-10, 3037f-11, 3037f-12, 3037f-13, 3037f,14 and 3037f-15, Carroll's Kentucky Statutes, 1915 Edition, relating to the examination and registration of plumbers, providing for the appointment of a board of examiners and inspectors, setting out the duties and salary paid said board and inspectors, relating to the supervision and inspection of plumbing and drainage in cities of the first class, making it apply to cities of the second class as well as cities of the first class.

To Committee on Cities of 2nd and 3rd Classes.

By same:

H. B. 60. An Act to amend Chapter 120, of the Acts of the General Assembly of the Commonwealth of Kentucky by adding thereto Section 1A relating to revenue and taxation and providing for the purchase of tax free gasoline for use as an ingredient in manufacturing.

To Committee on Revenue and Taxation.

By same:

H. B. 61. An Act to amend and re-enact Section 3142b-3 of the Edition of the Kentucky Statutes compiled and edited by John D. Carroll.

To Committee on Cities of 2nd and 3rd Classes.

By Mr. McGill:

H. B. 62. An Act amending Section 5 of Chapter 17 of the Acts of 1924 and establishing Project No. 3 as a part of the Primary System of State Highways.

To Committee on Public Roads and Highways No. 2.

By Mr. Bowman:

H. B. 63. An Act to change and fix the time place and terms of Court in the 20th Judicial District.

To Committee on Circuit Courts.

By Mr. Pulliam:

H. B. 64. An Act to enable cities of all classes to adopt and operate under the city manager form of government, and amending Section 3235c-1, 3235c-2, 3235c-3 of Carroll's Kentucky Statutes, relating to Municipalities of all classes.

To Committee on Municipalities.

By same:

H. B. 65. An Act amending Sec. 2380b-40 of Carroll's Kentucky Statutes and otherwise relating to the drainage and reclamation of lands and the collection of taxes for drainage districts and public ditches.

To Committee on Public Ditches.

By Mr. Belknap:

H. B. 66. An Act to provide for the purchase of a certain tract of land owned by C. B. Patterson for the use of the agricultural experiment stations, etc. State University.

To Committee on State University.

By Mr. Potter:

H. B. 67. An Act relating to juries; providing for their compensation and amending Section 2260 Article 3 of Chapter 74. Kentucky Statutes, Carroll's Edition, 1922.

To Committee on Circuit Courts.

By same:

H. B. 68. An Act relating to municipal bonds in Municipalities of the fourth, fifth and sixth class municipalities, and providing for their maintenance.

To Committee on Cities of Fourth Class.

By same:

H. B. 69. An Act to make the common schools of this Commonwealth more efficient, by establishing in each school house a public school library.

To Committee on Education No. 1.

By same:

H. B. 70. An Act to repeal and re-enact Section 30 and Section 31 of Chapter 13 of the Acts of the General Assembly of 1910, relating to textbook Commissions for cities, also Subsections 3, 4, 5, 6, 9, 10, 11, 15, 16, 17, and 18 of Section 4421a of the Kentucky Statutes, Carroll's Edition, 1918, relating to the selection of textbooks for the common schools by a State Textbook Commission; also Section 4421b-1, Section 4421b-32 and all intervening sections of Kentucky Statutes, Carroll's Edition, 1918 relating to the selection of textbooks for common schools by textbook commissions in cities of the first, second, third and fourth class; and in order to provide an effective method of selecting textbooks for the common schools be there provided in lieu thereof the following sections, relating to the selection of textbooks for the common schools.

To Committee on Education No. 1.

By Mr. Nichols:

H. B. 71. An Act regulating the time of holding Justices' Courts in cities of the fourth class in this Commonwealth.

To Committee on Cities of Fourth Class.

By Mr. Doss:

H. B. 72. An Act concerning County government.

To Committee on Revenue and Taxation No. 1.

By Mr. Milliken:

H. B. 73. An Act to amend and re-enact Section 518 Civil Code of Practice, relating to the modification of judgments after term of Court rendering it.

To Committee of Codes of Practice.

By same:

H. B. 74. An Act authorizing corporations to issue stock without nominal or par value.

To Committee on Corporate Institutions.

By Mr. Glenn:

H. B. 75. An Act to amend and re-enact Section 1550-18 of Article XII of Kentucky Statutes, Carroll's Edition of 1922.

To Committee on Suffrage and Elections.

By same:

H. B. 76. An Act to give to Supersedeas Bonds the force and effect of a Judgment.

To Committee on Judiciary.

By Mr. S. K. Holland:

H. B. 77. An Act relating to revenue and taxation, imposing an excise tax on gasoline and other liquid fuels.

To Committee on Revenue and Taxation No. 1.

By Mr. Manning:

H. B. 78. An Act to amend and re-enact Section 1744, Chapter 47 Kentucky Statutes, Carroll's Edition, 1922, which Chapter is entitled "Fees."

To Committee on County and City Courts.

By same:

H. B. 79. An Act relating to the holding of Circuit Courts in Counties having therein cities of the third class, or having therein portions of cities of a third class.

To Committee on Cities of 2nd and 3rd Classes.

By same:

H. B. 80. An Act providing for the election of County School Superintendents by the qualified voters in each county, fixing the term of office of such Superintendents, providing for the recognition of a contestant by the Superintendent of Public Instruction during a contest over the office of County Superintendent, and repealing all laws and parts of laws in conflict herewith.

To Committee on Education No. 2.

By Mr. Pulliam:

H. B. 81. An Act specifying the manner of apportioning state road construction among the counties.

To Committee on Public Roads and Highways No. 1.

By Mr. Holbrook:

H. B. 82. An Act to amend Chapter 260 of Acts of General Assembly of the Commonwealth of Kentucky of the 1924 session, which act relates to roads and highways.

To Committee on Public Roads and Highways No. 2.

By same:

H. B. 83. An Act to amended Section 965, Carroll's Kentucky Statutes, relating to the time of holding the terms of Circuit Court in the Thirty-third Judicial District, composed of the Counties of Perry and Leslie, and declaring an emergency.

To Committee on Circuit Courts.

By Mr. Manning:

H. Res. 2. Resolution authorizing Henry W. Bond, as the administrator of the estate of Brent Jones, deceased, to sue the Commonwealth of Kentucky.

To Committee on Claims.

By Mr. Potter:

H. Res. 3. Resolution approving the action of the President of the United States in recommending participation in the World Court.

To Committee on Kentucky Statutes.

The Speaker laid before the House the following communication, viz.:

Louisville, Ky., December 31st, 1925.

Hon. Clell Coleman, Commissioner
Bureau Agriculture, Labor & Statistics.

Dear Commissioner:—

I have the honor to submit herewith, for transmission to the General Assembly, the Thirteenth Biennial Report of the Department of Labor.

Certain recommendations have been made herein which we consider for the best interest of the Commonwealth and it is desired that they be given consideration.

Respectfully submitted
EDWARD F. SEILLER
Chief Labor Inspector.

To The Members of The General Assembly of Kentucky, 1926 Session.

We beg to submit for your consideration the Thirteenth Biennial Report of The Department of Labor, and respectfully call attention to the several recommendations contained therein.

Very truly,
CLELL COLEMAN,
Commissioner of Agriculture,
Labor and Statistics.

FOREWORD

January 1st., 1926

The Kentucky Efficiency Commission reporting to the 1924 General Assembly, on the Government of Kentucky, reports, that the Labor Bureau, under the Bureau of Agriculture, Labor and Statistics, as the most inefficient branch of our State Government and their report says in part:

"The only report made by inspectors of their work in the filing of cards showing the conditions of each establishment inspected. These cards are poorly designed and should be improved upon. They do not give complete information and provide no place for the dates of inspection and re-inspection. Each of the inspectors has a definite territory to cover and inspects as many establishments as he has time to visit. No complete record of manufacturing establishments is maintained and many of them are naturally overlooked. There is no definite plan for the assignment of inspectors to their work or for the follow-up procedure involved in re-inspection, each inspector does as much as he sees fit in his own territory.

"The existing laws should also be amended so as to eliminate the restrictions upon the number and salaries of Labor Inspectors. Four field or district inspectors should be provided to be paid a salary of at least $1,800 per year and necessary travelling expenses. They should work under the direction of a Chief Inspector (in personal charge of the Louisville district) who should be paid from $2,400 to $3,000 a year. The entire inspection staff should be appointed on the basis of merit alone and should not be discharged except for good cause. A competent inspector should be required to know something of labor regulation, should have knowledge of safety equipment and of what constitutes sanitary working conditions, and should be a person of keen perception and good judgment.

"A simple, yet effective check should be made upon the work of the inspectors, who should be required to make more complete reports of their visits and inspectional trips. The statistical work which ought to be handled effectively if the labor inspection department is combined with the Compensation Board, since the latter has already punch-card and statistical tabulating equipment.

"A more thorough-going enforcement policy should also be adopted. A strong central department working in co-operation with the Attorney General's office, through a member of that department's staff especially assigned, would be in a position to handle the prosecution of violations in a way that is absolutely impossible under the present arrangement. Now the inspector and the local prosecuting attorney, two individuals working practically on their own initiative and resources, represent all that the State can bring to bear.

"The usefulness of any unit of the State organization must be judged both on the basis of the need for the work that it is doing and on the ground of the results it is securing in meeting that need. The Commonwealth of Kentucky, by putting labor laws on its statute books has committed itself to the policy of supervising the employment of women and children in industry of collecting industrial statistics, and of dealing in a measure at least with the unemployment problem. If it is not to make reasonable provision for enforcing these laws, this legislation of course becomes an empty gesture. Therefore quite aside from any opinion on the soundness of the policy it would seem unquestionably proper to point out that the Legislature should follow up its decision by making adequate provision for the enforcement of its wishes.

"So much for the need of a 'Labor Department.' The group of employees that now constitute this department are not, as must have become evident from reading of the foregoing pages, functioning effectively. In fact it is probable that the expenditure now involved is largely wasted. It is therefore

recommended that the suggestions presented in the preceding section be adopted, which include recommendations (a) that all industrial and labor activities of the Commonwealth be handled by a single central department (b) that a better salary be provided for the inspectors engaged in the enforcement of labor laws, and (c) that machinery be set up for securing competent people for appointment to these positions."

In consequence of the aforegoing report and recommendation the 1924 General Assembly adopted the following Act: viz.

Sec. 1.—That, section 1 to 10 inclusive, of an Act entitled "An Act to further regulate the Bureau of Agriculture, Labor and Statistics," approved March 17, 1902, as amended by an Act entitled "An Act to amend an Act entitled 'An act to further regulate the Bureau of Agriculture, Labor and Statistics'," approved March 17, 1902, and being section 33a of the Kentucky Statutes, which was approved March 15, 1912, and being section 33a of the Kentucky Statutes, Carroll's edition of 1922, be repealed; and in lieu thereof, the Department of Labor under the Bureau of Agriculture, Labor and Statistics be re-organized as follows, and the following enacted:

Sec. 2.—*Personnel of the Department*—In the Bureau of Agriculture, Labor and Statistics there shall be appointed by the Commissioner, with the approval of the Governor as specified in section 4, a chief labor inspector, who may either be man or woman, and four deputy labor inspectors, two of whom shall be men and two shall be women, who with one clerical assistant, shall constitute the Department of Labor under the Commissioner. The Chief Labor Inspector shall receive $3,000.00 per annum and each deputy $1,600.00 per annum, payable monthly. The salary of the clerical assistant shall not exceed $1,200.00 per annum.

Sec. 3.—*Qualifications of the Chief Labor Inspector*—The Chief Labor Inspector shall be a person with a good working knowledge of shop and factory practice, industrial

sanitation, accident prevention, the general industrial development in the State and of the labor laws of the State, and shall be a person of executive ability and good moral character; provided said Chief Labor Inspector shall have been a resident of the State of Kentucky for at least two years next prior to his appointment. The Chief Labor Inspector shall under the Commissioner be in complete charge of the activities of the Department of Labor, and together with his deputies, shall inspect places of employment.

Sec. 4.—*Competitive Examination of Applicants for Chief and Deputy Inspectorships*—Every person desiring appointment either as chief or deputy inspector shall be required to pass a competitive written and oral examination touching his or her qualifications as set forth in Section 3. The records of such examination (including questions and marks awarded) shall be kept in the department as a matter of public record and open to the inspection of any citizen at any and all times. Such examination shall be held by the Commissioner, the State Sanitary Engineer and the head of the Engineering Department of the University of Kentucky. The Chief Inspector shall be chosen from among the four applicants receiving the highest rating. Any vacancy occuring in the office of chief or deputy inspectors shall be filled in the same manner as appointments are made in the first instance.

Sec. 5. *Causes and Procedure for Removal from Office*—The Chief Inspector and the Deputy Inspectors shall be appointed for a period of four years and may be removed from office by the Commissioner for neglect of duty, incompetence, gross insubordination, intoxication, or immorality: Provided that such removal shall not take place until at least five days after a written notice specifying the charge against him or her shall be sent by registered mail to the offending inspector who may demand a public hearing of said charges. A copy of this notice shall be filed with the Secretary of State and shall be a matter of public record and a record shall also be

kept of the proceedings of such hearing and any party feeling aggrieved may appeal to the Governor, who may reverse the findings of the Commissioner on the records.

Sec. 6. *Duties of the Department*—The Department of Labor shall through its inspectors visit places of employment for the purposes of (1) the investigation of the condition of employment affecting the life, health, safety, of employes, (2) the administration and enforcement of all laws of the State regulating the employment of labor, and (3) the collection of statistics pertaining thereo. Any employer shall be furnished, upon request made to the Chief Labor Inspector, a detailed report of any inspection made of that employer's place of business.

Sec. 7. *Records*—Proper, complete and permanent records shall be made of all investigations showing dates when examination were made, the condition in which the establishment was found and what changes were ordered. Such records shall be delivered by the Chief Labor Inspector, at the expiration of his term of office to the incoming commissioner who shall give to the Chief Labor Inspector a properly attested receipt therefor.

Sec. 8. *Interference with Inspectors*—Any employer, firm or corporation, or officer, manager or superintendent of any person, firm or corporation, who shall refuse or attempt to prevent the admission of any inspector authorized by this article, upon or within the premises or building of any establishment, or place which he is required by law to inspect, at any reasonable hour, or during the working hours of the person employed thereat or therein, or shall in any manner interfere with the performance of the official duties of such inspector, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than $25.00 nor more than $100.00 for each offense or shall be imprisoned in jail for not more than fifty days or receive both such fine and imprisonment.

Sec. 9. *Reports*—The Department of Labor shall prepare biennially for presentation to the General Assembly and for public distribution, a report of the activities of the department which shall embody a complete summary of the work of the department, including number of visits made, types of establishments inspected, working conditions found, number of violations of labor laws, number of prosecutions and improvements noted.

Sec. 10. *Co-operation with Other State Departments*—The Chief and deputy inspectors of the Department of Labor shall be furnished with a copy of all the laws and rulings of the State Board of Health affecting sanitary conditions in places of employment, not covered by the labor laws of the State and shall report in writing to the State, county or municipal health authorities any violations coming under their observation while visiting places of employment in the regular performance of their duty.

The chief and deputy inspectors shall be furnished with a copy of all the laws and rulings of the State Fire Marshal's office relating to fire hazards in places of employment and shall report in writing to the State, county or municipal authorities any violations coming under their observation while visiting places of employment in the regular performance of their duty.

Sec. 11. *Registration of Factories or Other Places of Employment*—Every person, firm or corporation shall within one month after he, they or it shall begin to occupy a factory, workshop, mill or other place of employment shall notify in writing the Chief Labor Inspector, Department of Labor at Frankfort of such occupancy, giving the legal title of such corporation and name of agent upon whom service of summons can be made and in case of firm, the individual names of members of the firm and its legal title.

Sec. 12. *Duties of Prosecuting Attorney*—The prosecuting attorney of each county and city in this State shall con-

duct all prosecutions for violations of the provisions of this act, occurring in their respective jurisdictions.

Sec. 13. *Labor Disputes*—The Chief and Deputy Labor Inspectors shall not take any part, interfere or become involved in any lockout, strike or similar labor difficulty. Upon proof of such behavior, he or she shall forfeit his or her office.

Sec. 14. *Expenses*—There shall be appropriated for the expenses of the Department of Labor of the Bureau of Agriculture, Labor and Statistics, including the salaries of all persons appointed under it, the sum of $15,000.00. All salaries, office expenses and necessary traveling expenses incurred in the regular performance of the duties of inspectors shall be paid out of the fund appropriated for the department, upon the submission of an itemized statement of same duly certified by the Chief Labor Inspector. The biennial reports of the Department of Labor, also an adequate number of pamphlets containing abstracts of the labor laws of Kentucky and such other educational material as the Commissioner may deem advisable, shall be printed by the public printer under the direction of the Commissioner of Public Printing and paid for out of the general fund provided by law for the printing for the executive departments.

Sec. 15. *Mine Inspectors Not Affected*—Nothing in this act shall be construed to conflict with the powers and duties of the State Mine Inspectors as now prescribed by law.

Sec. 16. *Workmen's Compensation Board Not Affected* —Nothing in this act shall be construed to conflict with the powers and duties of the Workmen's Compensation Board as now prescribed by law.

Sec. 17. *A Chief Labor Inspector* shall be appointed as soon as practicable pursuant to the provisions of the act, and it is further provided that if the two labor inspectors and two assistant labor inspectors holding office at the time of the passage of this act, under the Commissioner of Agriculture, Labor and Statistics, shall be appointed by said Commissioner with the approval of the Governor, to the offices of Deputy

Labor Inspectors, said appointees shall not be required to submit to examination pursuant to the provisions of section 4 of this act.

Sec. 18. The act shall be construed liberally and if any section be declared unconstitutional in whole or in part it shall not effect the other sections of this act, it being the intention of the General Assembly in enacting this bill to enact each section separately.

Whereas the need for re-organization of the Labor Department is urgent an emergency is hereby declared to exist, and this act shall take effect immediately after its passage and approval by the Governor.

ACTIVITIES OF THE DEPARTMENT OF LABOR.

ADMINISTRATION

Pursuant to the foregoing act, Edward F. Seiller of Lexington, having duly qualified, was appointed Chief Labor Inspector in charge of the Department of Labor, together with the following Deputy Inspectors: George Schneider, and Evelyn Brown Rodman of Louisville; John E. Rogers of Covington and Caroline H. Karsner of Forks of Elkhorn. Miss Antoinette Bossung of Louisville, was named clerical assistant. The aforegoing appointments were made under conditions set forth in Section Seventeen and were confirmed by Governor William J. Fields to take effect July 15, 1925.

With this staff, we started to re-organize the department into such a condition that it could get down to real work. As was brought out in the report of the "Efficiency Commission" reporting to the 1924 General Assembly, the department was at the time we took charge very inefficient. After careful survey we found what seemed to be the sources of trouble and proceeded to apply various remedies.

Child Labor Complications and Corrections—The field of "child labor" was the first to attract our attention. Conditions had grown very lax in regard to the enforcement of laws regulating the employment of minors, and we found that

many children under the required age were working when they should have been going to school. Many children under the prohibited and regulated age employed in factories, industrial plants and other working places, were employed in violation of the law.

Children were obtaining age proofs and permits to work from the Labor Bureau by merely applying and stating verbally their age. It was apparent that no birth certificate, school record or any other legal proof was necessary, consequently armed with their permit to work, they would easily obtain work from employers who believed they were eligible to employment.

This worked a great injustice to both the children themselves and to the employers. For it is plain to be seen, should any of the children be injured or permanently disabled in the course of their labor, besides suffering loss of time, they would have to go thru life handicapped for their injuries and for the days of schooling lost. Also the employer would probably by the subject of much court litigations.

The relationship between the department and the various school superintendents was dormant. School authorities no longer were supplying the department with information vital to the welfare of both, and the department itself was unable to preserve the records which were required by law.

One of our first accomplishments was to establish contact and mutual co-operation with School Superintendents, and to prepare record forms for our joint use. Now, whenever a child applies for a permit to work, it is required that absolute proof of his age and other requirements, be established before employment permit is issued, in accordance with our "child labor law."

The employment permit forms and proof-of-age forms, are equipped with duplicates and whenever one of these forms is issued by a school superintendent, the duplicate is forwarded to this department, placed on file and preserved at our office. I might say that new and complete card forms

were designed for this work and the entire filing system revised.

Inspection Card Revised—We found the cards used by the Labor Inspectors, to record reports of their various trips and inspections, were very inadequate. New cards were designed and printed for them and we now have data concerning sanitary and safety conditions in the various industrial plants and factories recorded in the minutest detail.

However, we are seriously handicaped in our work of factory and workshop inspection, due to the lack of authority to improve industrial hygiene and safety conditions, that we find really need atention. We will treat this mater quite fully, later, under recommendations.

Safety and Industrial Hygiene; Health Work Stressed—Nothing ever had been done prior to our advent in co-operation with the National Safety Council, Louisville Safety Council, Louisville Safety Industrial Club, The State Board of Health and other organizations interested in the conservation of life and health. It stands to reason that our department would be interested in lines such as these and believing that an "ounce of prevention is worth a pound of cure" we did all in our power to aid these organizations in safety and health programs. We feel that if through our efforts accidents and loss of life can be saved, the state, both labor and the Commonwealth, will be benefited.

State Fair Safety Exhibits—Thru the courtesy of the State Fair Board, granting us space, gratis, in the Merchants and Manufacturers Building and in conjunction with the Louisville Safety Council, Louisville Safety Industrial Club and the State Board of Health, we were able to maintain a "Safety and Industrial Hygiene Exhibit" during the 1924 and 1925 State Fairs. These exhibits attracted much interest.

A wide field of possibility opened itself for development along these lines. We believe that illustrated lectures, posters, motion pictures and slides, and exhibits of good working practice, safety devices and periodical bulletins carrying

their message of accident prevention, care of health and the conservation of life, cannot but have their effect in the saving of money, time and suffering, to both the employer and workman.

Library Assembled—An essential subject in any line of endeavor is that of reference and statistics. We have built up in a short space of time, with practically no expense, a very good library on labor welfare subjects, labor laws, court decisions, statistics and other matter which is necessary to the success of such and organization as ours. Already, we have had numerous requests for information which was furnished from our library, and which was not available at other places. With a continued proper care and with age, this library will be of much value to those who are interested in labor's welfare and have need for this subject matter.

Recommendations—"The world owes ever man an opportunity to make a living."

Even in the most prosperous periods there is a disparity between the actual number of wage earners available and the number that our industries can absorb. Under the most favorable circumstances, this unemployed surplus is the source of grave social industrial problems.

Whether or not a man be especially trained in some line of work, he is forced to search hither and yon for the first job he can get. He does not get the job for which he is best suited, the employer consequently does not get the right man for his job. The connection is not permanent and generally it is not very successful.

The "manless job and the jobless man" problem has been met successfully in many other states with the creation of a state employment agency. Following the close of hostilities in the World War, W. B. Wilson, Secretary of Labor under President Woodrow Wilson, saw the time coming with the demobilization of our army when the soldiers would be returning to their peace-time pursuits and he realized that the provision of profitable employment for them was a paramount

duty. It was in furtherance of this idea that Secretary Wilson created the United States Employment Service.

Evils of Present System—When a wage earner is out of a job, he is more than likely to become the victim of fake labor agencies, which exist by extorting exorbitant fees from the worker, and in turn render little assistance in securing work for him. The fee is demanded in advance and is retained whether a job is found or not.

More frequently the agent, after collecting his fee, consults a list of jobs offered in the classified advertisement columns of daily papers and sends his client in search of work from place to place. These agencies are at present allowed free rein and are not required to report to anyone. There is no regulation through which the activities of these leeches can be controlled and until some legislation is made, they will continue to fatten on the fees obtained under false pretenses from the unemployed.

In connection with this practice the following editorial comment was made in the Louisville Herald-Post, December 9th, 1925.

"The arrest of a number of employment agents accused of getting money from unemployed without getting them jobs has focused interest on a new evil. To prey on the misfortune of others is about as contemptible a calling as can be imagined. That is what is being done when a man looking for work is milked of his last few pennies with a promise of a job that is never forthcoming. The law is ample to punish those who are guilty, but the Labor Department is more anxious to forestall than punish. It is more interested in avoiding heartbreaks for prospective victims than in getting jail sentences for sharpers. Its motive is social service.

"It is unfortunate that government is so frequently called on to regulate and meddle in business, but this matter of getting jobs is life and death to the worker and his family. Sometimes, as in this case, business invites the interference and then it has no cause for complaint."

We have experienced much trouble and annoyance from agencies of this type. There have been many complaints from workers who have been victimized but under present conditions there is no redress. Workers come to our office, complaining of paying in their money and of getting no jobs. They ask our department to assist them in getting their money —in many cases the last the applicant has, and in some cases that which he has been forced to borrow—returned to them.

It is plain to be seen that these agencies are obtaining money under false pretenses when they register a man and fail to find him employment. Judge Eugene M. Dailey of the Louisville Police Court has recommended that regulations be provided for these agencies as there is no doubt of the reckless manner in which their business is conducted.

The Remedy—To aid the unemployed worker, the United States Department of Labor maintains a national system of free employment offices in co-ordination with state employment bureaus in about forty commonwealths. Unfortunately, Kentucky has not a share in this work. In the interest of the improvement of social, industrial and economic conditions, both the State and the Federal government should do all possible to relieve the unemployment situation, and to this end, Kentucky should affiliate herself with the forty other states and the National government in this work.

In order to do this, a Central State Employment Bureau should be formed simultaneously with the regulation of the private employment agencies. Our Kentucky Employment Bureau could co-operate with the National Bureau and would do double duty in acting as the medium in finding the right man for the right job.

It is rather unfortunate that Kentucky has not provided this service heretofore. A Central State Agency would be in an advantageous position to gather material, statistics and labor figures which would be invaluable to our department and not otherwise obtainable. The co-operation which would

result would work for greater harmony between labor and the employer, not only in Kentucky, but all over the country.

We heartily recommend the enactment of legislation to regulate private employment agencies under the supervision of this department. We further recommend the creation of a State Public Employment Service, empowered to collect employment statistics under the direction of this department.

Industrial Hygiene and Safety Standards Needed—In designating this division, as the Department of Labor, the General Assembly was broad in their term. It is found that other State Departments of Labor are made up of several administration and enforcement divisions or groups. The duties delegated to this department are: "The Department of Labor shall, through its inspectors visit places of employment for the purpose of (1) the investigation of the condition of employment affecting the life, health, safety of employes, (2) the administration and enforcement of all laws of the State regulating the employment of labor, and (3) the collection of statistics pertaining thereto." Further provides that the Department of Labor, in no way shall come in conflict with the powers and duties of the State Workmen's Compensation Board, State Mine Department or any other of the labor or safety welfare bureaus. It is therefore plain to be seen that this department is to remain to be the workshop and factory inspection division, as has been done by the Labor Bureau heretofore. And it is on this particular work that we at this time desire to attract your attention.

Our principal duties of administration and enforcement, embrace laws regulating the employment of children and women. Other than these two laws, the department has no authority of enforcement relative to conditions affecting life, health and safety of workers.

Every year thousands of workers are injured in workshops, factories and other places of employment in this State, besides the injury suffered by the worker, he must suffer his time lost and medical expense. It has been demonstrated

that a very large number of industrial accidents may and can be prevented and thus are unnecessary and inexcusable.

We are submitting herewith, for your attention, two exhibits. One showing classification of industries in which accidents happened and were reported to the Workmen's Compensation Board, and the other classification of the reported causes of the accidents, covering a five year period, from July 1st, 1920 to June 30th, 1925.

It must be kept in mind, that these exhibits do not represent all accidents to workers in places of employment, but only in establishments which have elected and accepted to operate under the Workmen's Compensation Act and reporting accidents thereto. Nor, do the exhibits represent those injured thru occupational disease or loss suffered thru sickness of the workers. Such figures other than what we herewith submit are not available in Kentucky.

However, we hope these exhibits will serve to picture for you the staggering loss of thousands of work hours, wages and suffering to the workers in this Commonwealth, from accidents arising out of and in the course of their employment.

With nation-wide programs on the safety movement, development of safety devices and constant appealing to the employer and employee, one would not at first thought, believe there would be need for legislative enactment on this subject. One is inclined to believe that all employers are not only too glad to keep their places of employment in a safe and healthful condition, and, although much is being done voluntarily to improve places of employment, there is endless work of inspection and supervision needing the attention of this department.

The general attitude of the workshop and factory executive is, that he is inclined to be much more interested and gives his attention to his daily production, leaving his plant safety and hygiene welfare problems to take care of themselves. When obnoxious conditions are found and called to his attention, we are often confronted with the statement,

that he will look after it when he gets time, then, puts it off from day to day until the matter is forgotten. On calling attention to some hazardous or unguarded machinery or place about the workshop, we have been advised, "the compensation insurance company protects, why should we kick about conditions," and etc, resulting in that very few of our recommendations are really carried into effect.

Whenever the causes of accidents are discussed with representatives of employers, great stress is usually laid upon the large number of accidents and bad conditions due to carelessness of the workers themselves.

The subject of carelessness, heedlessness, bravado, recklessness, is harped upon over and over again by the employer, superintendent and foreman in most every factory an inspector visits; so that one is sometimes compelled to conclude that in the opinion of the employers and their representatives, from 90 to 95 per cent of industrial accidents are due to nothing else than the personal carelessness, negligence and recklessness of the workers themselves.

That the carelessness of workers is very often a cause of accidents in factories and other places of employment, cannot be denied. There is, however, no doubt in the minds of those who have studied the subject and those who are familiar with industry, that the importance of this factor has been greatly exaggerated.

In some industries or in the building of skyscrapers, the value of the worker is in his very recklessness and in his taking of chances, which to the outsider seem foolhardy. In man industries the workers takes his life in his hands every minute, and it would be absurd to blame these workers, where such recklessness is necessary corollary of their calling.

Industrial Health—Professor Milton J. Rosenau, an emintent authority on preventative medicine and hygiene, gives a very clear picture of workshop and factory conditions under the following head, "*Industrial Hygiene and Disease of*

Occupation'' in his fourth edition on, *''Preventative Medicine and Hygiene.''*

He says:

''The questions of industrial hygiene strike at the very root of our social system; they include the relation of capital and labor and the relation of man to his fellow man. The man of means may, to a large extent, select not only the place, but even the character of his employment. He may choose the hours of his work, and can largely control his environment while at work, so far as it affects his health and comfort; he can purchase fresh air, sunshine, good food, rest, recreation, and other conditions that make for health and happiness. The employee must largely accept the conditions as he finds them and frequently is denied many advantages, even necessities. As the power of the employee is limited, he needs the assistance of the state to correct the unreasonable demands which capital has ever extracted of labor. Our country has been negligent in this matter and had fallen far behind England and Continental countries. The situation has received some assistance through organized labor, which has exerted good influence in limiting the avarice of the employer, in shortening hours of work, in obtaining a just share of profits and in improving sanitary conditions.

''Modern conditions have brought entirely new problems into industrial hygiene. These have come about largely through the development of new industries and the invention of new processes, through new and improved methods of transportation, and through specialization and crowding in cities and work places, through artificial light, through changing relations between capital and labor and the intensive and unrelenting pressure of the times.

''There are extra hazards to life and limb in railroading, mining and among those who work with explosives; there is a particular danger to those who are compelled to work in dusty atmosphere, more so if the dust is of an irritating or poisonous nature; there is danger to those who are compelled

to breathe poisonous fumes such as carbon monoxide, hydrogen sulphide, or mercury. Most industrial poisons are due to gasses, vapors and dust.

"The workman is often subjected to conditions which seriously influence health, such as poor ventilation, lack of cleanliness, overcrowding, excessive hours, improper light, fatigue, and a hundred and one conditions which affect the health and the efficiency of the workman. The prevention of the communicable infections among work people is based upon the same principles and practice as for the civilian population. Work should be ennobling and anything which tends to degrade it is morally wrong."

"In order to improve the hygienic conditions under which people work, and in order to prevent the disease of occupation, five fundamental conditions are essential: (1) investigators; (2) laws; (3) factory inspection; (4) penalties; (5) education. Suitable laws are necessary, for it has been found in practice that the conditions cannot be corrected by an appeal to voluntary reform. To be effective the laws must provide ample ways and means for their energetic enforcement."

We have given you the aforegoing from Professor Rosenau, rather than our views, for the reason that occupational disease and industrial hygiene is such a broad and vital subject in our economic and industrial world, that it can only be treated clearly by those of long study and experience. So far as we know, there are no statistics on occupational disease in Kentucky. Many states have incorporated this subject, into their workmen's compensation laws and their divisions of factory and workshop inspection. Through these means they have been able to keep a fairly good check on occupational disease and correct those conditions found to be obnoxious.

Our common law rulings are that the Master shall furnish the Servant a reasonably safe place in which to work and around this word, "reasonable" has hinged much argument and many opinions and rulings from Courts, as to what a

"reasonably" safe place is. Our Kentucky law reports are full of cases on questions of this kind.

Many States have corrected this common law ruling to a very great extent and at the same time improved places of employment, by prescribing by law, or through regulations of their "Industrial Commissions,"—with effect of law—certain minimum hygiene and safety measures and standards, that constitute what a reasonable safe working place shall be.

As has been shown, it is of vital importance that the State now consider seriously the enactment of *"Factory and Workshop Industrial Hygiene and Safety Standards"* under the administration and enforcement of the Department of Labor, outlining a minimum standard of a reasonable safe place in which workers shall be employed.

Undoubtedly by such legislation, we will be able to reduce the hazards of places of employment, reduce accidents and prevent occupational disease; and the result will be in benefit, to employe and employer, thru elimination of suffering, loss of wages to the former and loss of work hours and labor turn over to the latter. The commonwealth itself will share the benefits of the legislation by having better factories and better citizens.

Which was ordered to be filed and spread upon the Journal.

Mr. Meyers moved that this House do now adjourn.

Said motion was agreed to.

And then the House adjourned until next Monday at one o'clock P. M.

MONDAY, JANUARY 18, 1926.

The House was opened with prayer by the Reverend Father E. G. Klosterman of the Roman Catholic Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

W. B. Ardery
Wm. J. Arvin
W. O. Bach
A. J. Baldridge
J. H. Baughman
L. D. Bax
W. B. Belknap
T. H. Benton
Shaler Berry
C. H. Berryman
W. P. Bowman
D. F. Brown
Geo. A. Brown
F. W. Bryant
J. R. Buckman
W. G. Buckner
S. J. Bunger
W. A. Carson
C. B. Carver
Lee Clark
Lonnie Cooper
Fred H. Coots
J. D. Cox
J. S. Cruse
W. J. Curtis
J. L. Cushing
C. L. Daly
Mormon B. Daniel
J. R. Dorman
E. J. Doss
James M. Durham
D. E. Edwards
J. O. Evans
D. W. Fowler
Otto C. Gartin
R. E. Glenn
C. C. Givens
F. A. Gnau
Whitsett Hall
Lawrence Harmon
J. F. Harrison
C. W. Hawkins
J. M. Hayse
Goebel B. Henson
H. M. Holbrook
H. B. Holland
S. K. Holland
Ira L. Horne
J. C. Hutcherson
E. M. Johnson
Grover C. Johnson
W. W. Johnson
D. C. Jones
Mrs. H. G. Jorris
W. O. Keller
J. R. Kelly
Thos. H. King
Oscar Leibson
W. W. Leslie
Leon P. Lewis
J. L. Manning
Joe Martin
Shelby Martin
A. M. Mercer
H. J. Meyers
H. H. Miller
J. S. Milliken
T. R. Moore
B. T. Morris
L. P. Murphy
Chas. N. McCarty
J. L. McDavid
W. J. McGill
F. T. Nichols
Caleb Page
Smith Park
J. J. Patterson
Jas. J. Peters
Geo. W. Potter
W. H. Pryor
H. A. Pulliam
Clint Raymer
R. R. Rogers
Philip J. Ryan
C. W. Ryans
Chas. L. Seale
M. G. Slusher
W. R. Smith
E. J. Snyder
Frank L. Strange
J. G. Swearengin
Mac Swinford
J. L. Valandingham
Chiles Van Antwerp
C. D. Vincent
W. S. Wallen
T. B. Watts

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. Daniel offered the following Resolution, viz.:

The City of Cambridge, Massachusetts, having graciously given to the Speaker of the House of Representatives of the Commonwealth of Kentucky, a gavel made from a portion of the elm tree beneath which the Father of Our Country took charge of the troops, then gathered in front of Boston for the defense of our inherent liberties, a gift of which we are deeply appreciative, therefore be it resolved:

That the Clerk of this House be directed to transmit to his Honor, the Mayor of Cambridge, a copy thereof, as an evidence of our appreciation.

Said resolution was adopted.

A message was received from the Senate announcing that they had passed a resolution which originated in this body entitled:

H. Res. 1. Resolution providing for additional employees of the House of Representatives, fixing their per diem and providing for the payment of same.

(For Resolution see House Journal, January 11.)

The Speaker announced the following employees under the provision of said Resolution, viz.:

Magdalene Willett, Stenographer to the Speaker.

Jane Addams Waddle, Stenographer to the Chief Clerk.

Mrs. J. Albert Kaltenbrun, Assistant Enrolling Clerk.

Mrs. Margaret B. Noe, Assistant Enrolling Clerk.

Mrs. Hallie Muir Brown, Copyist to Chief Clerk.

Messrs. L. D. Bax, Jr., Dennie Morris, G. W. P. Peel, and Cecil Sparks, Assistant Doorkeepers.

Martha Dawson, Page to the Speaker.

Calvert Poole, Assistant Cloakroom-keeper.

Carl Beeler, Mail Clerk.

Upon a Call of the Counties and Representative Districts, bills were introduced, ordered printed and referred as follows, viz.:

By Mr. Arvin:

H. B. 84. An Act relating to roads and bridges and establishing a new Project to be a part of the new Primary Road System from Campbellsville to Liberty, Kentucky.

To Committee on Roads and Highways No. 2.

By Mr. Hutcherson:

H. B. 85. An Act classifying mineral, oil and gas, for the purposes of taxation, as provided under Section 171 of the Constitution as amended, and providing how such property shall be assessed and the taxes collected thereon, as well as the distribution of the taxes when collected and repealing the act of March 28, 1918, Chapter 122, page 140, of the published Acts of the session of 1918, and repealing all laws or parts of laws in conflict with the provisions of this act.

To Committee on Revenue and Taxation No. 1.

By Mr. Johnson:

H. B. 86. A bill to permit high school students enter directly into Medical College.

To Committee on Kentucky Statutes.

By Mr. Ardery:

H. B. 87. An Act to provide for the admission to the bar and practice of law in this Commonwealth of attorneys who have been admitted to the bar and practice of law in other states.

To Committee on Court of Appeals.

By Mr. Gartin:

H. B. 88. An Act to assist disabled ex-service men and women of the World in obtaining from the Federal government the relief authorized by Acts of Congress, continuing in existence for that purpose the Kentucky Disabled Ex-Service Men's Board, and appropriating funds therefor; providing maintenance of an office and stenographic help to carry on the work of said board, and declaring an emergency to exist.

To Committee on Military Affairs.

By Mr. McDavid:

H. B. 89. An Act repealing and reenacting Section 1164, Kentucky Statutes.

To Committee on Criminal Law.

By Mr. Page:

H. B. 90. An Act adding Project 40½ to the Primary System of State Highways as established by Act of General Assembly 1920.

To Committee on Public Roads and Highways No. 2.

By Mr. Cruze:

H. B. 91. An Act to amend and re-enact section 4821 of Carroll's Kentucky Statutes, 1922 Edition, relating to weights and measures.

To Committee on Kentucky Statutes.

By Mr. Vallandingham:

H. B. 92. An Act to amend Section 4421a-17 of Kentucky Statutes, Carroll's 1922 Edition, relating to Text Books Excluded.

To Committee on Education No. 1.

By Mr. Daniel:

H. B. 93. An Act to amend Section 3642 of the Kentucky Statutes, Carroll's 1915 Edition, relating to violation of City ordinances and that all fines and forfeitures shall go to the city of the Fifth and Sixth Class.

To Committee on Cities of the Fifth and Sixth Classes.

By Mr. Daniel:

H. B. 94. An Act to amend and re-enact both the title to and the act itself of an Act entitled: "An Act relating to registration for elections in cities and towns having a population of 5,000 inhabitants or more," so that said title will read: "An Act relating to registration of voters for elections in all cities and towns of the first, second, third and fourth classes in the Commonwealth," and the body of the act will read as set out herein.

To Committee on Kentucky Statutes.

By Mr. Swearengin:

H. B. 95. An Act to change and fix the time and place, terms of court in the Twentieth Judicial District composed of Greenup and Lewis counties.

To Committee on Circuit Courts.

By Mr. Johnson:

H. B. 96. An Act prohibiting the teaching of the Evolution Theory in all the Universities, Normals and all public schools of Kentucky, which are supported in whole or in part by the public school funds of the State, and to prohibit the hiring of such teacher; and to provide penalties for the violation thereof.

To Committee on Kentucky Statutes.

By Mr. Jones:

H. B. 97. An Act providing for the taxation of an attorney's fee as cost for plaintiff in actions at law and in equity on promissory notes.

To Committee on Codes of Practice.

By Mr. Bax:

H. B. 98. An Act in relation to the control, management and operation of water works in cities of the first class, and repealing chapter 16 of the Acts of 1906 approved March 6, 1906, and Chapter 5 of the Acts of 1910, approved March 7, 1910, relating thereto, and being section 3024a of the Kentucky Statutes.

To Committee on Revenue and Taxation No. 1.

By same:

H. B. 99. An Act to repeal an Act approved March 20, 1914, being Chapter 63 of the Acts of 1914 and in lieu thereof to re-enact same, providing for a clerk and stenographer for Coroners in counties of more than 200,000 and fixing the powers, duties and salaries thereof.

To Committee on Municipalities.

By same:

H. B. 100. An Act to exempt from jury service officers of cemetery companies of counties containing cities of the first class.

To Committee on Circuit Courts.

By Mr. Lewis:

H. B. 101. An Act to amend and re-enact Section 5 of an Act entitled "An Act to provide for the establishment and maintenance in counties which contain a city of the first class of a hospital for the treatment of persons affected with tuberculosis" approved March 17, 1906, as amended by an Act approved March 14, 1912.

To Committee on Municipalities.

By Same:

H. B. 102. An Act amending the Charter of the first class.

To Committee on Municipalities.

By Mr. Hayse:

H. B. 103. An Act to authorize and empower persons, firms or corporations owning or operating mines to designate persons to act as mine police, providing for their appointment by the Governor, and defining their duties, powers and liabilities.

To Committee on Mines and Mining.

By Mr. Baldridge:

H. B. 104. An Act relating to the establishment of graded Common Schools.

To Committee on Education No. 2.

By same:

H. B. 105. An Act to amend Section 1 of Chapter 61 of the Acts of 1920 of the General Assembly of Kentucky.

To Committee on Railroads.

By Mr. Smith:

H. B. 106. An Act to amend and re-enact Section 227, Carroll's Code of Practice in Criminal Cases, 1919 Edition, relating to argument in criminal cases.

To Committee on Codes of Practice.

By same:

H. B. 107. An Act to amend and re-enact Section 2266, Kentucky Statutes, 1922 Carroll's Edition, relating to the selection of juries in criminal cases.

To Committee on Criminal Law.

By Mr. Carson:

H. B. 108. An Act to amend Section 203 of Code of Practice in criminal cases relating to peremptory challenges allowed defendant in selecting jury.

To Committee on Codes of Practice.

By Mr. Vincent:

H. B. 109. An Act amending Section 20, Chapter 14, Acts of the General Assembly of 1920, defining the method of procedure in School Bond Elections in cities of the fourth class, and enacting in lieu thereof the following section defining the method of procedure in school bond elections in such cities.

To Committee on Education No. 2.

By same:

H. B. 110. An Act to amend an Act entitled: "An Act to provide for the relief of the needy blind in the counties" being Chapter 18 of the Acts of the General Assembly of 1924, approved March 28, 1924.

To Committee on Charitable Institutions.

By Mr. Potter:

H. B. 111. An Act relating to compulsory education in the common schools of this Commonwealth and fixing penalties for its violation, and amending Section 4526c-4, article 16, Chapter 13, Kentucky Statutes, Carroll's Edition, 1922.

To Committee on Education No. 1.

By Mr. Martin:

H. B. 112. An Act defining size of type to be used in printed portion of a recordable instrument.

To Committee on Printing.

By Mr. Milliken:

H. B. 113. An Act for the benefit of the Home of Incurables.

To Committee on Appropriations.

By Mr. Strange:

H. B. 114. An Act to impose a tax for the benefit of the State on all persons, firms or corporations engaged in the production of minerals in this State and further authorizing the counties to impose a tax on those so engaged, and further regulating the means and manner of collecting such tax, and further regulating to the revenues derived therefrom, but no provision of the act shall apply to petroleum.

To Committee on Revenue and Taxation No. 1.

By Mr. Watts:

H. B. 115. An Act regulating practice of Dentistry.

To Committee on Public Health.

Mr. Jones moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

TUESDAY, JANUARY 19, 1926.

The House was opened with prayer by the Reverend V. C. Merrill of the Presbyterian Church, South Frankfort.

The roll was called and the following members answered to their names, viz.:

W. B. Ardery
Wm. J. Arvin
W. O. Bach
A. J. Baldridge
J. H. Baughman
L. D. Bax
W. B. Belknap
T. H. Benton
Shaler Berry
C. H. Berryman
W. P. Bowman
D. F. Brown
Geo. A. Brown
F. W. Bryant
J. R. Buckman
W. G. Buckner
S. J. Bunger
W. A. Carson
C. B. Carver
Lee Clark
Lonnie Cooper
Fred H. Coots
J. D. Cox
J. S. Cruse
W. J. Curtis
J. L. Cushing
C. L. Daly
Mormon B. Daniel
J. R. Dorman
E. J. Doss
James M. Durham
D. E. Edwards
J. O. Evans
D. W. Fowler
Otto C. Gartin
R. E. Glenn
C. C. Givens
F. A. Gnau
Whitsett Hall
Lawrence Harmon
J. F. Harrison
C. W. Hawkins
J. M. Hayse
Goebel B. Henson
H. M. Holbrook
H. B. Holland
S. K. Holland
Ira L. Horne
J. C. Hutcherson
E. M. Johnson
Grover C. Johnson
W. W. Johnson
D. C. Jones
Mrs. H. G. Jorris
W. O. Keller
J. R. Kelly
Thos. H. King
Oscar Leibson
W. W. Leslie
Leon P. Lewis
J. L. Manning
Joe Martin
Shelby Martin
A. M. Mercer
H. J. Meyers
H. H. Miller
J. S. Milliken
T. R. Moore
B. T. Morris
L. P. Murphy
Chas. N. McCarty
J. L. McDavid
W. J. McGill
F. T. Nichols
Smith Park
J. J. Patterson
Jas. J. Peters
Geo. W. Potter
W. H. Pryor
H. A. Pulliam
Clint Raymer
R. R. Rogers
Philip J. Ryan
C. W. Ryans
Chas. L. Seale
M. G. Slusher
W. R. Smith
E. J. Snyder
Frank L. Strange
J. G. Swearengin
Mac Swinford
J. L. Valandingham
Chiles Van Antwerp
C. D. Vincent
W. S. Wallen
T. B. Watts

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. Keller offered the following concurrent resolution viz.:

On Tuesday and Wednesday, February 2nd and 3rd, the Second Annual Sportsmen's Convention will be held at the State Armory, Frankfort, Kentucky.

A large attendance of delegates and visitors will be present to participate in this Convention. On the program are the Governors of two states, many conservationists and sportsmen of national reputation, who will bring much information to those who love outdoor life.

Since the program committee has indicated that our Governor W. J. Fields of Kentucky and Governor Ed Jackson of Indiana, will be available for addresses on Conservation at a joint session of the Legislature at 10:00 A. M., February 3rd.

Be it Resolved, that the House of Representatives, the Senate concurring, therein, hereby extend a cordial invitation for the Governors to speak before, and the sportsmen to attend a joint meeting.

Said resolution was adopted.

Mr. Ardery offered the following concurrent resolution, viz.:

CONCURRENT RESOLUTION

In consideration of the fact that there has been introduced in this House a bill to prohibit the teaching of certain scientific principles, in the public schools of Kentucky, it is the sense of this House, the Senate concurring, that other natural phenomena, even more embarrassing to Kentuckians than the theory of evolution, should be properly regulated by the present General Assembly, for the good of all Kentuckians, and for the further purpose of properly safeguarding and protecting our ignorance.

Therefore, Be it Resolved by the House of Representatives, the Senate concurring, That, by the power this General Assembly is wont to assume, it is herewith deemed advisable to change other natural laws also. The solar system is hereby declared to be grossly inefficient. It is a fact, known to all, that the sun furnishes too much heat in summer, and not enough in winter. The present General Assembly takes pleasure in correcting this matter by ordering the orbit of the earth so changed that Kentucky will enjoy an even temperature of 70 degrees Farenheit throughout the year. This General Assembly will also order the North Star to quit loafing and from this time forth follow the orbit of the earth.

Be it Further Resolved, by the House of Representatives, the Senate concurring, that henceforth, water shall run up hill. This improvement on the natural laws will make Kentucky first among power producing states of the world.

Be it Further Resolved, by the House of Representatives, the Senate concurring, that scientific agriculture shall no longer be taught in the public schools of Kentucky, for the reason that the science of agriculture is both founded and based on the theory of evolution, so brilliantly demonstrated by Luther Burbank.

Be it Further Resolved, by the House of Representatives, the Senate concurring, that scrub sires be no longer discouraged, but now encouraged, both in and out of the General Assembly.

W. B. Ardery, Bourbon County.

Mr. Hutcherson moved that said resolution lie on the table.

Said motion was agreed to.

Mr. Lee Clark offered the following resolution, viz.:

Whereas, the duties of the minority leader of this body are such as to require the services of a stenographer.

Therefore, be it Resolved by the House of Representatives, That D. C. Jones, minority leader, be and he is hereby authorized to employ one stenographer at a salary of Six Dollars per day for the remainder of this session, and that the Clerk of the House certify this resolution to the Auditor for payment of said stenographer.

After a lengthy discussion of said resolution, Mr. Meyers moved the previous question.

Said motion was agreed to.

Said resolution was then adopted.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

A. J. Baldridge	J. R. Dorman	J. R. Kelly
L. D. Bax	James M. Durham	Thos. H. King
T. H. Benton	J. O. Evans	Oscar Leibson
Shaler Berry	Otto C. Gartin	W. W. Leslie
C. H. Berryman	R. E. Glenn	J. L. Manning
W. P. Bowman	F. A. Gnau	Joe Martin
D. F. Brown	Lawrence Harmon	Shelby Martin
Geo. A. Brown	J. F. Harrison	A. M. Mercer
F. W. Bryant	C. W. Hawkins	H. J. Meyers
J. R. Buckman	J. M. Hayse	H. H. Miller
W. G. Buckner	Goebel B. Henson	J. S. Milliken
W. A. Carson	H. M. Holbrook	T. R. Moore
C. B. Carver	H. B. Holland	B. T. Morris
Lee Clark	S. K. Holland	L. P. Murphy
Lonnie Cooper	Ira L. Horne	Chas. N. McCarty
J. D. Cox	E. M. Johnson	J. L. McDavid
J. S. Cruse	Grover C. Johnson	W. J. McGill
W. J. Curtis	D. C. Jones	F. T. Nichols
J. L. Cushing	Mrs. H. G. Jorris	Caleb Page
C. L. Daly	W. O. Keller	Smith Park

Geo. W. Potter	Chas. L. Seale	J. L. Valandingham
W. H. Pryor	M. G. Slusher	C. D. Vincent
Clint Raymer	W. R. Smith	W. S. Wallen
R. R. Rogers	E. J. Snyder	T. B. Watts
C. W. Ryans	J. G. Swearengin	

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Those who voted in the negative were—

Wm. J. Arvin	E. J. Doss	Leon P. Lewis
W. O. Bach	D. E. Edwards	J. J. Patterson
J. H. Baughman	D. W. Fowler	Jas. J. Peters
W. B. Belknap	C. C. Givens	H. A. Pulliam
S. J. Bunger	Whitsett Hall	Frank L. Strange
Fred H. Coots	J. C. Hutcherson	Mac Swinford
Mormon B. Daniel	W. W. Johnson	Chiles Van Antwerp

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Mr. Milliken moved that the vote by which said resolution was adopted be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Upon a call of the Counties and Legislative Districts, the following bills were introduced, ordered printed and referred as follows, viz.:

By Mr. Harrison:

H. B. 116. An Act to amend Chapter 214 of the Acts of the 1924 session of the General Assembly entitled "An Act to amend project No. 8 of Chapter 17 of the Acts of the General Assembly of 1920, relating to roads and bridges and road projects."

To Committee on Roads and Highways No. 2.

By Mr. Keller:

H. B. 117. An Act relating to revenue and taxation, fixing annual tax rate on unmanufactured agricultural products.

To Committee on Revenue and Taxation No. 2.

By Mr. Seale:

H. B. 118. An Act to repeal section 68b-4, Kentucky Statutes, Carroll's Edition, 1922, relating to dog license tax.

To Committee on Agriculture.

By same:

H. B. 119. An Act to amend and re-enact 2554d-2 Carroll's Kentucky Statutes, Edition 1922, relating to reward for persons securing arrest and conviction of offenders in moonshine cases.

To Committee on Criminal Law.

By Mr. Page:

H. B. 120. An Act to amend and re-enact Chapter 43 of the Acts of the General Assembly of 1904 entitled "An Act to provide for more adequate punishment for bank robbery and safe blowing."

To Committee on Banks and Banking.

By Mr. Bryant:

H. B. 121. An Act requiring taxi drivers and taxi owners each to give a bond of $500 before they shall be permitted to operate an automobile as a means of public conveyance for hire within the State of Kentucky and providing a penalty for the failure to comply with the provisions of this act. Drivers of automobile buses and owners shall be construed as taxi drivers and owners.

To Committee on Criminal Law.

By Mr. Berryman:

H. B. 122. An Act creating a State Board of Examiners and registration of architects prescribing its powers and duties, providing for examinations and issuing certificates to qualified registered architects or architects and providing for penalties for violation of the provisions of the act.

To Committee on Kentucky Statutes.

By Mr. Wallen:

H. B. 123. An Act to provide for the establishment of a State Normal School for the training of white elementary teachers, and appropriating moneys for maintenance and operation thereof.

To Committee on Normal Schools.

By Mr. Brown:

H. B. 124. An Act to amend Subsec. c of Section 2739g-2 of Chapter 90 of the Acts of the General Assembly of 1922, relating to license fees of passenger automobiles.

To Committee on Motor Transportation.

By Mr. Swearengin:

H. B. 125. An Act to repeal and to re-enact Sections 4305, 4325, 4326, 4327, 4328, 4330, 4331, 4332, 4333, 4334, 4335, 4336, 4337, 4341, 4342, 4342a-2, 4342a-3, 4342a-4, 4345a-2, 4352, 4353, 4354, 4355, 4356, 4356a, 4356b, 4356c, 4356d, 4356e, 4356f, 4356g, 4356h, 4356i, 4356j, 4356k, 4356l-1, 4356l-2, 4356l-3, 4356l-4, 4356l-5, 4356n, Carroll's Kentucky Statutes,

changing the name of "County Road Engineer" to "County Road Supervisor" and providing for his election by the voters of the county in which he resides

To Committee on Roads and Highways No. 1.

By Mr. Givens:

H. B. 126. An Act to repeal and re-enact Section 3563 of Carroll's 1922 Edition of the Kentucky Statutes as amended by Chapter 97 of the Acts of the General Assembly of Kentucky of 1924, Section 3570 and 3574 of Carroll's 1922 Edition of the Kentucky Statutes, relating to the control and improvement of public streets, alleys, sidewalks, roads, lanes avenues, highways and thoroughfares in cities of the fourth class.

To Committee on Cities of Fourth Class.

By. Mr. Ryans:

H. B. 127. An Act to prohibit the owner of real property from failing to apply the proceeds of the sale thereof or loan thereon to the payment of the amounts owing for labor or materials used in the erection, repair or improvement of any structure thereon, and prescribing a penalty for the violation thereof.

The Committee on Kentucky Statutes.

By same:

H. B. 128. An Act to require persons building, repairing or improving property for others to apply money received from the owner to the payment of bills for labor or material and providing a penalty for the violation thereof.

To Committee on Kentucky Statutes.

By Mr. Baldridge:

H. B. 129. An Act relating to roads and highways and describing and fixing the projects to be added to the Primary System of Roads and Highways.

To Committee on Roads and Highways No. 2.

By Mr. Meyers:

H. B. 130. An Act to amend and re-enact Section 147 of the Constitution of the Commonwealth of Kentucky.

To Committee on Constitutional Amendments.

By Mr. Smith:

H. B. 131. An Act to establish a road from mouth of Caney Creek, Knott County, Kentucky to State Project No. 4 in Letcher County, Kentucky.

To Committee on Roads and Highways No. 2.

By same:

H. B. 132. An Act to establish a road from Hindman, Kentucky to the mouth of Breedings Creek in Knott County, Kentucky and to be known as Project No.—.

To Committee on Roads and Highways No. 2.

By same:

H. B. 133. An Act to establish a road from Lackey, Floyd County, Kentucky to Troublesome Creek, Knott County and to connect with Project No. — relating to roads and highways.

To Committee on Roads and Highways No. 2.

By Mr. McGill:

H. B. 134. An Act for promotion of the Live Stock Industry, and registering and taxing of dogs, etc.

To Committee on Agriculture.

By Mr. Holbrook:

H. B. 135. An Act authorizing the court in which any judgment has been, or may hereafter be, rendered, imposing a fine and imprisonment, or a fine or imprisonment, for a misdemeanor, or the judge thereof in vacation, to suspend the enforcement of such judgment, or any part thereof, in certain cases.

To Committee on Criminal Law.

By same:

H. B. 136. An Act to provide an adequate compensation for the Judges of the Circuit Courts of this Commonwealth.

To Committee on Circuit Courts.

By same:

H. B. 137. An Act to amend Subsection 4 of Chapter 11 of the Acts of the 1924 Legislature relating to property subject to local taxation.

To Committee on Revenue and Taxation No. 1.

By Mr. Carson:

H. B. 138. An Act relating generally to insurance companies, other than life, and their agents, prescribing the pow-

ers and duties of the Insurance Commmissioners in respect to statements from companies and applicants for agencies and in ascertaining the qualifications of agents and the issual of license to them; preventing rebating and discrimination and the division of commissions by agents; defining certain conditions that agents shall not violate, and property that they shall not insure; prescribing what corporations may act as insurance agents; prohibiting evasions of law by agents; prescribing what agents shall keep an office in this state and agents that shall be residents of this state; and repealing all laws and parts thereof in conflict with this Act.

To Committee on Insurance, Fire and Marine.

By same:

H. B. 139. An Act to appropriate $10,000 for the purpose of building a road from the public highway to the Perryville Battlefield and to provide for the erection of a caretaker's house thereon, and to provide for the maintenance and improvement of the monument and surrounding grounds.

To Committee on Appropriations No. 2.

By same:

H. B. 140. An Act to limit the amount of commission to be charged by and paid to Fire Insurance Agents doing business in this State at not exceeding 25% of the premium charged and fixing the penalty for the violation of this Act.

To Committee on Insurance, Fire and Marine.

By same:

H. B. 141. An Act to provide for licensing of non-resident brokers and fixing penalty for violation thereof.

To Committee on Insurance Fire and Marine.

By same:

H. B. 142. An Act to amend and re-enact Section 717 of the Kentucky Statutes, John D. Carroll's 1915 Edition, relating to the examination of assessment fire insurance companies.

To Committee on Insurance Fire and Marine.

By Mr. Martin:

H. B. 143. An Act establishing the Wisdom-Hardyville road in Metcalfe and Hart Counties as a part of the Primary System.

To Committee on Roads and Highways No. 2.

By Mr. Belknap:

H. B. 144. An Act to amend Article 12, Section 1550, Subsec. 19, Carroll's Kentucky Statutes, 1922, prescribing the qualifications of Electors in Primary Elections.

To Committee on Suffrage and Elections.

By same:

H. B. 145. An Act making an appropriation of $5,000.00 a year for each of the fiscal years 1926-1927 and 1927-1928 to the Bourbon Stock Yards Fat Stock Show Association of Louisville, Kentucky, to meet the premium expenses thereof for the fiscal years ending June 30, 1927 and June 30, 1928.

To Committee on Appropriations No. 1.

By Mr. Potter:

H. B. 146. An Act to amend and re-enact section 552, Carroll's Civil Code of Practice relating to procedure in trial of equitable actions.

To Committee on Codes of Practice.

By Mr. Milliken:

H. B. 147. An Act relating to the taxation of domestic life insurance companies.

To Committee on Insurance, Life and Accident.

By same:

H. B. 148. An Act establishing a road from Franklin, in Simpson County, Kentucky, to the Tennessee State line near the Henry's Ford Bridge, over the route known as the Franklin and Springfield road, as a State Primary Road, and designating said project as Project No. —.

To Committee on Roads and Highways No. 2.

By same:

H. B. 149. An Act to amend and re-enact Section 3563 of the Kentucky Statutes, relating to the control and improvement of public streets, alleys, sidewalks, roads, lanes, avenues, highways and thoroughfares in cities of the fourth class.

To Committee on Cities of Fourth Class.

By Mr. Glenn:

H. B. 150. An Act to amend and re-enact Section 1169 of the Kentucky Statutes, Edition of John D. Carroll of 1915, relating to the burning of warehouse, barn, other house or personal property, by inserting therein the words "or stock

of goods, wares or merchandise or household goods or any articles of personal property," and the word "automobile."

To Committee on Criminal Law.

By Mr. Jones:

H. B. 151. An Act to amend and re-enact Sections 4130, 4135, 4143, 4146, 4147, 4148, 4151, Subsections 2 and 3250 of Kentucky Statutes, John D. Carroll's Edition, 1915, as amended by Chapter 108 and Chapter 121 of the 1924 Acts of the General Assembly of the Commonwealth of Kentucky all relating to Revenue and Taxation.

To Committee on Revenue and Taxation No. 1.

Mr. Pulliam of the Committee on Education No. 2, to which same had been referred, reported a bill of the following title, viz.:

H. B. 34. An Act to repeal section 10 of Chapter 36 of the Acts of 1920 and providing for the election of the County Superintendents of Schools by the people.

With the expression of opinion that said bill ought not to pass.

No further action having been taken by the House regarding said bill and no motion having been made to advance said bill to a reading, the report of the Committee to the contrary notwithstanding, it was ordered that said bill be not read at length the first time.

And so said bill was rejected.

Mr. Milliken moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

WEDNESDAY, JANUARY 20, 1926.

The House was opened with prayer by the Reverend Father E. G. Klosterman of the Roman Catholic Church of Frankfort, Kentucky.

The roll was called and the following members answered to their names, viz.:

W. B. Ardery	J. O. Evans	H. J. Meyers
Wm. J. Arvin	D. W. Fowler	H. H. Miller
W. O. Bach	Otto C. Gartin	J. S. Milliken
A. J. Baldridge	R. E. Glenn	T. R. Moore
J. H. Baughman	C. C. Givens	B. T. Morris
L. D. Bax	F. A. Gnau	L. P. Murphy
W. B. Belknap	Whitsett Hall	Chas. N. McCarty
T. H. Benton	Lawrence Harmon	J. L. McDavid
Shaler Berry	J. F. Harrison	W. J. McGill
C. H. Berryman	C. W. Hawkins	F. T. Nichols
W. P. Bowman	J. M. Hayse	Caleb Page
D. F. Brown	Goebel B. Henson	Smith Park
Geo. A. Brown	H. M. Holbrook	J. J. Patterson
F. W. Bryant	H. B. Holland	Jas. J. Peters
J. R. Buckman	S. K. Holland	Geo. W. Potter
W. G. Buckner	Ira L. Horne	W. H. Pryor
S. J. Bunger	J. C. Hutcherson	H. A. Pulliam
W. A. Carson	E. M. Johnson	Clint Raymer
C. B. Carver	Grover C. Johnson	R. R. Rogers
Lee Clark	W. W. Johnson	C. W. Ryans
Lonnie Cooper	D. C. Jones	Chas. L. Seale
Fred H. Coots	Mrs. H. G. Jorris	M. G. Slusher
J. D. Cox	W. O. Keller	W. R. Smith
J. S. Cruse	J. R. Kelly	E. J. Snyder
W. J. Curtis	Thos. H. King	Frank L. Strange
J. L. Cushing	Oscar Leibson	J. G. Swearengin
C. L. Daly	W. W. Leslie	Mac Swinford
Mormon B. Daniel	Leon P. Lewis	J. L. Valandingham
J. R. Dorman	J. L. Manning	Chiles Van Antwerp
E. J. Doss	Joe Martin	C. D. Vincent
James M. Durham	Shelby Martin	W. S. Wallen
D. E. Edwards	A. M. Mercer	T. B. Watts

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. Jones moved a Committee of four be appointed by the Speaker to attend the funeral of the late Hon. S. Thruston Ballard, former Lieutenant Governor and President of the Senate.

Said motion was agreed to.

Thereupon the Speaker appointed Messrs. Jones, Ryans, Lewis and Belknap as said Committee.

Mr. Meyers moved that when this House adjourn today, be out of respect and in memory of the late Hon. S. Thruston Ballard.

Said motion was agreed to.

Mr. Daniels moved that the privileges of the floor be extended to Judge Vories Gregory.

Said motion was agreed to.

Mr. Jones moved that the action by which this House on yesterday refused to order to its first reading a bill entitled:

H. B. 34. An Act to repeal Section 10 of Chapter 36 of the Acts of 1920 and providing for the election of the County Superintendents of Schools by the people.

Be reconsidered.

Said motion was agreed to.

Mr. Jones then moved that said bill be advanced to its first reading, the opinion of the Committee to the contrary notwithstanding.

Said motion was agreed to.

Mr. Jones moved that the vote by which said bill was ordered to its first reading be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Thereupon said bill was read at length the first time and ordered to be placed on the Calendar.

Upon a call of the Counties and Legislative Districts, the following bills were introduced, ordered printed and referred as follows, viz.:

By Mr. Slusher:

H. B. 152. An Act to amend Section 1376a of the Kentucky Statutes, Carroll's Edition, 1922, relating to wearing society badge by persons not members.

To Committee on Judiciary.

By Mr. Buckman:

H. B. 153. An Act relating to roads and bridges and amending Chapter 17 of the Acts of 1920 of the General Assembly of Kentucky, by adding thereto Project No. — extending from Sheperdsville in Bullitt County to Taylorsville, in Spencer County, via Mt. Washington and Waterford.

To Committee on Roads and Highways No. 2.

By Mr. Berry:

H. B. 154. An Act to erect a Memorial to the Hon. John G. Carlisle.

To Committee on Executive Affairs.

By Mr. McDavid:

H. B. 155. An Act providing a change in the requisite qualification of any person desiring to enter Medical School in this Commonwealth for the purpose of studying medicine.

To Committee on Public Health.

By same:

H. B. 156. An Act providing for the adoption of school text books for the use in the Public Schools of this Commonwealth and fixing period of change.

To Committee on Education No. 1.

By Mrs. Jorris:

H. B. 157. An Act providing for the practice of dentistry by World War heroes of the United States Army, to be known as the World War Dental Act.

To Committee on Public Health.

By Mr. Seale:

H. B. 158. An Act to amend and re-enact section 4526c-4 Kentucky Statutes, Carroll's Edition, 1922, relating to compulsory education and fixing maximum penalty for violating same.

To Committee on Education No. 2.

By Mr. Johnson:

H. B. 159. An Act establishing a new State Primary Road Project to be known as Project No. — beginning at

Bell's Trace onu Project 43 in Carter County and extending to a point on Project No. 49 near Isonville Postoffice in Elliott County.

To Committee on Roads and Highways No. 2.

By Mr. Bryant:

H. B. 160. An Act establishing as a part of the Primary System of State Highways a road from Boonville, Owsley County, via Tyner, Jackson County, to East Bernstadt, Laurel County and designating said road as Project No. 30-A.

To Committee on Roads and Highways No. 2.

By Mr. Berryman:

H. B. 161. An Act to amend Section 1159 of the Kentucky Statutes, Carroll's 1922 Edition, relating to burglary, robbery, and having in possession burglarious tools.

To Committee on Criminal Law.

By same:

H. B. 162. An Act to accept the provisions of an act passed by the Congress of the United States and approved February 24, 1925, to authorize the more complete endowment of Agricultural Experiment Stations and for other purposes.

To Committee on Agriculture.

By Mr. Daniel:

H. B. 163. An Act to amend and re-enact Section 1 of Article 1 of Chapter 116 of the Acts of the 1924 General Assembly, which is to relieve real estate of taxes for state purposes.

To Committee on Revenue and Taxation No. 1.

By Mr. Jones:

H. B. 164. An Act relating to rotating system of Circuit Judges.

To Committee on Judiciary.

By Mr. Fowler:

H. B. 165. An Act to amend and re-enact Section 723 of the Kentucky Statutes, Carroll's Edition, 6th, of 1922 being an Act of the General Assembly of the Commonwealth of Kentucky, entitled "An Act to authorize fidelity and guarantee companies of other States to transact surety business in the State of Kentucky," approved April 14, 1892.

To Committee on Insurance Fire and Marine.

By same:

H. B. 166. An Act to amend and re-enact Section 4077 of the Kentucky Statutes, Carroll's 6th Edition of 1922, being an Act of the General Assembly of the Commonwealth of Kentucky, entitled an Act relating to taxation and revenue, approved March 15, 1906.

To Committee on Revenue and Taxation No. 1.

By Mr. Lewis:

H. B. 167. An act to simplify pleading in civil actions or proceedings in the Courts of this Commonwealth.

To Committee on Codes of Practice.

By Mr. Meyers:

H. B. 168. An Act to require, in all cities of the first and second class of this Commonwealth, the proper construction, use and maintenance of scaffolding, counter-floors, staging, rigging, etc., in all construction work, providing for the punishment for the violation of same, for the appointment of a chief safety inspector of scaffolding and counter-floors in construction work and a deputy inspector in cities of the first and second class, prescribing the duties of said safety inspector of scaffolding and counter-floors in construction work and repealing all laws inconsistent herewith.

To Committee on Criminal Law.

By Mr. Morris:

H. B. 169. An Act relating to roads and bridges, and amending Chapter 17 of the Acts of the General Assembly of the Commonwealth of Kentucky, 1920, by adding thereto road project No. — extending from Wells Station on the Ohio and Kentucky Railroad in Morgan County, Kentucky to a point intersecting Project No. 28 near White Oak, Morgan County, Kentucky.

To Committee on Roads and Highways No. 2.

By same:

H. B. 170. An Act providing for the election of County School Superintendents by popular vote.

To Committee on Education No. 2.

By Mr. Vincent:

H. B. 171. An Act to provide for wash rooms in certain employments, to protect the health of employees, and secure public comfort.

To Committee on Mines and Mining.

By Mr. Belknap:

H. B. 172. An Act granting owners and operators of threshing machines a lien upon any grain or seed threshed or hulled by such machine and providing for the enforcement of such lien and fixing a penalty.

To Committee on Agriculture.

By Mr. Glenn:

H. B. 173. An Act to regulate the granting of paroles to convicts.

To Committee on Charitable Institutions.

By Mr. Patterson:

H. B. 174. An Act to repeal Chapter 264 of the Acts of the General Assembly of 1924, which established a new Primary Road System Project, now known as Project No. 71 and to enact in lieu thereof a new act establishing a new Primary Road System Project to be known as Project No. 71.

To Committee on Roads and Highways No. 2.

The Committees to which same had been referred, reported bills of the following titles, viz.:

By Mr. Hutcherson of the Committee on Suffrage and Elections:

H. B. 47. An Act to amend and re-enact Subsection 6, Section 1550 of the Kentucky Statutes, Carroll's 1915 Edition, as previously amended by Chapter 156 of the Acts of 1920, and as further amended by Chapter 99 of the Acts of 1920.

By Mr. Cushing of the Committee on Cities of the 2nd and 3rd Classes:

H. B. 10. An Act amending and re-enacting Section 3235a-28, Carroll's Kentucky Statutes, 1918 edition and 3235a-26 of Supplement of 1922 Edition of Carroll's Kentucky Statutes, which is Chapter 52, page 174, Acts of 1922, approved March 23, 1922, relating to power to purchase site, issue of improvements bonds to be submited to the people and provisions concerning bonds and relating to duties and powers and incurring indebtedness and relating to the rate of taxation and time the same is to be effective.

With an Amedment therto by way of Substitute therefor.

H. B. 53. An Act to amend and re-enact Section 3235e-2, Subsection 3 and 3235e-4, Subsection 3, of the Kentucky Statutes, Carroll's 1922 Edition relating to teachers' insurance and annuity funds of cities of the second class.

H. B. 58. An Act repeal section 3783 of the Kentucky Statutes, as amended March 23, 1920 Chapter 80, page 376, and as further amended March 22, 1922, Chapter 44, page 159, of the Acts of 1922 said Act relating to patrols, and re-enacting same.

H. B. 61. An Act to amend and re-enact Section 3142b-3 of the Edition of the Kentucky Statutes, compiled and edited by John D. Carroll.

By Mr. Brown of the Committee on City and County Courts:

H. B. 33. An Act entitled "An Act changing the name of Poorfork, Harlan County, Kentucky to that of 'Cumberland,' Harlan County, Kentucky."

With the expression of opinion that said bills ought to pass.

Said bills were severally head at length the first time and ordered to be placed on the Calendar.

Mr. Meyers moved that this House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

THURSDAY, JANUARY 21, 1926.

The House was opened with prayer by the Reverend V. C. Merrill of the Presbyterian Church, South Frankfort.

The roll was called and the following members answered to their names, viz.:

W. B. Ardery	Lee Clark	F. A. Gnau
Wm. J. Arvin	W. E. Clark	Whitsett Hall
W. O. Bach	Lonnie Cooper	Lawrence Harmon
A. J. Baldridge	Fred H. Coots	J. F. Harrison
J. H. Baughman	J. D. Cox	C. W. Hawkins
L. D. Bax	J. S. Cruse	J. M. Hayse
W. B. Belknap	W. J. Curtis	Goebel B. Henson
T. H. Benton	J. L. Cushing	H. M. Holbrook
C. H. Berryman	C. L. Daly	H. B. Holland
W. P. Bowman	Mormon B. Daniel	S. K. Holland
D. F. Brown	J. R. Dorman	Ira L. Horne
Geo. A. Brown	E. J. Doss	J. C. Hutcherson
F. W. Bryant	D. E. Edwards	E. M. Johnson
J. R. Buckman	J. O. Evans	Grover C. Johnson
W. G. Buckner	D. W. Fowler	W. W. Johnson
S. J. Bunger	Otto C. Gartin	D. C. Jones
W. A. Carson	R. E. Glenn	Mrs. H. G. Jorris
C. B. Carver	C. C. Givens	W. O. Keller

J. R. Kelly
Thos. H. King
Oscar Leibson
W. W. Leslie
Leon P. Lewis
J. L. Manning
Joe Martin
Shelby Martin
A. M. Mercer
H. J. Meyers
H. H. Miller
J. S. Milliken
T. R. Moore
B. T. Morris
L. P. Murphy
Chas. N. McCarty
J. L. McDavid
W. J. McGill
F. T. Nichols
Caleb Page
Smith Park
J. J. Patterson
Jas. J. Peters
Geo. W. Potter
W. H. Pryor
H. A. Pulliam
Clint Raymer
R. R. Rogers
Philip J. Ryan
C. W. Ryans
Chas. L. Seale
M. G. Slusher
W. R. Smith
E. J. Snyder
Frank L. Strange
J. G. Swearengin
J. L. Valandingham
Chiles Van Antwerp
C. D. Vincent
W. S. Wallen
T. B. Watts

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. Evans moved that a leave of absence be extended to Mr. Durham.

Said motion was agreed to.

Mr. Meyers moved that when this House adjourn to-day, it be to meet on Monday, January 25, at one o'clock P. M.

Said motion was agreed to.

Mr. Meyers moved that the vote by which said motion was agreed to be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed the following resolution, viz.:

JOINT RESOLUTION

With no purpose of resurrecting issues which once divided the nation, but viewing with alarm the proposed encroachment of the Federal Government upon what has been from the beginning of American democracy the prerogative of the sovereign state to levy and collect its own taxes as assessed against property for the support of the state government—a function which, in our opinion must remain exclusively that of the state to exercise independently—we confess to serious concern for the future of both the nation as a whole and the separate Commonwealths comprising it if the farreaching principles involved in the Federal Revenue Bill now pending before Congress, particularly with reference to the Inheritance Tax feature thereof providing a joint levy to be assessed by the United States Government and divided as between the Federal Government and the State, shall be disregarded by the Legislative bodies of the American Commonwealths.

It is maintained that a state should not be compelled in this fashion to become a party to a joint tax levy under penalty of losing a source of its revenue if it dissents. The purpose of the proposed law is ulterior. Never before in the history of the United States except under stress of war conditions has the Federal Government ever attempted to levy a property tax. If the present attempt is accomplished the danger will be imminent of the Federal Government next dictating the entire taxing policies of all the states.

We hold that the rights of the states, although often disregarded, still remain one of the fundamental principles of our democratic government, and that if we continue to surrender to the Federal Government every function which belongs to the states, it will be only a question of time before centralization, with its attendant and inevitable autocracy, will submerge every remaining vestige of state sovereignty.

The Inheritance Tax is a direct property tax, and to assume the authority to assess a joint levy, the Federal Govern-

ment coming into the state and arbitrarily fixing the rate of assessment and sharing on the revenue, leaving to the state no election of choice, is, we hold, an unwarranted invasion, economically as well as politically, of the sacred principle of self-determination which if permitted to go unchallenged will prove only the forerunner of even further abrogations of the prerogatives which the states have enjoyed without abridgement since the formation of the American Union upon the bedrock foundation of democracy.

Therefore, be it Resolved, That the Senate of the Commonwealth of Kentucky, the House of Representatives concurring, respectfully enters its protest against the passage of this provision by the Congress of the United States.

Said resolution was adopted.

Mr. Harrison offered the following resolution, viz.:

Whereas, a poll of this House indicates that there are more than sixty-five members in favor of repealing the law that permits legalized gambling on the race tracks of Kentucky, and

Whereas, the Senate will this day, or in the near future, vote on this issue.

Be it Resolved, That this House do hereby go on record in favor of abolishing this monopoly on gambling and its concomitant corruption of politics, to the end that moral aid and encouragement may be thereby extended to those members of the Senate who are about to vote for the repeal of this law, and that the Committee on Kentucky Statutes be discharged from further consideration of House Bill No. 12 which repeals the exemption of race courses from the provisions of the general laws against gambling and that said bill be advanced and given its first reading before this House.

After a lengthy discussion of said resolution Mr. Daniels moved the previous question.

Said motion was agreed to.

Mr. Cushing moved that said resolution lie on the table.

Said motion was agreed to.

The yeas and nays being required thereon by Messrs. Hutcherson and Fowler, were as follows, viz.:

Those who voted in the affirmative were—

W. B. Ardery	J. R. Dorman	H. H. Miller
W. B. Belknap	Otto C. Gartin	L. P. Murphy
Shaler Berry	F. A. Gnau	J. L. McDavid
C. H. Berryman	Lawrence Harmon	W. J. McGill
W. P. Bowman	C. W. Hawkins	Smith Park
D. F. Brown	J. M. Hayse	J. J. Patterson
J. R. Buckman	H. M. Holbrook	Geo. W. Potter
W. G. Buckner	S. K. Holland	R. R. Rogers
W. A. Carson	E. M. Johnson	Philip J. Ryan
C. B. Carver	D. C. Jones	C. W. Ryans
Lee Clark	W. O. Keller	Chas. L. Seale
Lonnie Cooper	J. R. Kelly	M. G. Slusher
J. D. Cox	W. W. Leslie	W. R. Smith
J. S. Cruse	Leon P. Lewis	Frank L. Strange
W. J. Curtis	Joe Martin	W. S. Wallen
J. L. Cushing	Shelby Martin	T. B. Watts
C. L. Daly	H. J. Meyers	

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Those who voted in the negative were—

Wm. J. Arvin	Fred H. Coots	Whitsett Hall
W. O. Bach	Mormon B. Daniel	J. F. Harrison
A. J. Baldridge	E. J. Doss	Goebel B. Henson
J. H. Baughman	D. E. Edwards	H. B. Holland
T. H. Benton	J. O. Evans	Ira L. Horne
Geo. A. Brown	D. W. Fowler	J. C. Hutcherson
F. W. Bryant	R. E. Glenn	Grover C. Johnson
S. J. Bunger	C. C. Givens	W. W. Johnson

Thos. H. King	F. T. Nichols	J. G. Swearengin
A. M. Mercer	Caleb Page	Mac Swinford
J. S. Milliken	Jas. J. Peters	J. L. Valandingham
T. R. Moore	H. A. Pulliam	Chiles Van Antwerp
B. T. Morris	Clint Raymer	C. D. Vincent
Chas. N. McCarty	E. J. Snyder	

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Mr. Strange moved that the privileges of the floor be extended to Mrs. J. L. McFarland.

Said motion was agreed to.

Mr. Dorman moved that bills entitled:

H. B. 20. An Act to amend Section 5 of Chapter 17 of the Acts of the General Assembly of 1920 which is now Section 4356-5 of 1922 Edition of Carroll's Statutes, relating to roads and bridges.

H. B. 18. An Act to amend Section 5 of Chapter 17 of the Acts of the General Assembly of 1920, which is now Section 4356t-5 of 1922 Edition of Carroll's Statutes, relating to roads and bridges.

Which were originally referred to the Committee on Roads and Highways No. 1.

Be referred to the Committee on Roads and Highways No. 2.

Said motion was agreed to.

Mr. Strange moved that the session of to-day be extended indefinitely.

Said motion was agreed to.

Mr. Milliken moved that Fred Stover, Member-in-Chief of V. of F. W., Captain R. E. L. Murphy, Sergeant Samuel Woodfill and Sergeant Willie Sandlin be granted the privileges of the floor and invited to address the House.

Said motion was agreed to.

Thereupon the Speaker appointed Mr. Milliken as a committee of one to escort the gentlemen above named to the floor of the House.

After a time Mr. Milliken escorted the above named to the floor of the House when each in turn, made happy addresses to the members.

Upon a call of the Counties and Representative Districts, the following bills were introduced, ordered printed and referred as follows, viz.:

By Mr. Slusher:

H. B. 175. An Act prescribing the qualifications of deputy sheriff, deputy constable or a patrolman in this State.

To Committee on Judiciary.

By Mr. Carson:

H. B. 176. An Act to amend and re-enact Section 237 Carroll's Criminal Code, Sixth Edition, 1919, relating to separate trials of joint defendants in felony cases.

To Committee on Codes of Practice.

By same:

H. B. 177. An Act regulating and providing a license for the handling of trading stamps, coupons, premiums or

other similar devices and providing a penalty for any violation thereof.

To Committee on Judiciary.

By Mr. McDavid:

H. B. 178. An Act providing for the protection of lawful creditors against loss in collection of monies due them from unfaithful debtors.

To Committee on Kentucky Statutes.

By Mr. Evans:

H. B. 179. An Act to repeal the inheritance tax law, and providing for the submission of this Act to the voters at the General Election to be held November 2, 1926.

To Committee on Revenue and Taxation No. 1.

By Mr. Bryant:

H. B. 180. An Act to repeal, amend and re-enact Section 6 of Chapter 109 of the Acts of the General Assembly of 1924, relating to the Compensation of County Tax Commissioners.

To Committee on Kentucky Statutes.

By Mr. Moore:

H. B. 181. An Act to amend and re-enact an Act entitled "An Act defining and regulating the business of dry cleaning and dyeing in cities of the first and second class."

To Committee on Cities of the 2nd and 3rd Classes.

By same:

H. B. 182. An Act amending Chapter 168 of the Session Acts of 1924, being entitled "An Act relating to Public Roads."

To Committee on Roads and Highways No. 2.

By Mr. Swearengin:

H. B. 183. An Act to repeal and re-enact Chapter 277, Acts General Assembly 1924, being an Act entitled "An Act to amend and re-enact section 9 chapter 17 of the Acts of 1920, relating to roads and highways by adding to said section the town of 'Williamsburg' as a construction center," by including Fullerton in said named construction centers.

To Committee on Roads and Highways No. 2.

By Mr. Coots:

H. B. 184. An Act to amend Section 2380 of the Kentucky Statutes, Carroll's Edition, 1915, and Subsection 35 of said section, which has to do with the drainage of farm lands.

To Committee on Public Ditches.

By Mr. Gnau:

H. B. 185. An Act to repeal, amend and re-enact Sections 732, 733 and 734, Kentucky Statutes, relating to real estate title insurance companies.

To Committee on Insurance, Fire and Marine.

By Mr. Vincent:

H. B. 186. An Act to protect miners in the coal mines of this State.

To Committee on Mines and Mining.

By Mr. Potter:

H. B. 187. An Act to supplement Chapter 9 of the Acts of the General Assembly of the Commonwealth of Kentucky, 1924 Session, creating a permanent Kentucky State Park Commission, providing for a Director of State Parks, the employment of Custodians for State Parks, empowering said Commission to make rules and regulations for the maintenance of State Parks and employees, designating certain tracts of land as State Parks and appropriating money for the care, maintenance and improvement of State Parks.

To Committee on State Parks.

By Mr. Milliken:

H. B. 188. An Act authorizing the collection of reasonable attorney's fees when provided for in written contracts and obligations, to pay money, and providing how, in certain instances such collection may be enforced, and providing that the amount paid or recovered hereunder shall not determine the amount of fee to which the attorney shall be actually entitled as against his client.

To Committee on Kentucky Statutes.

By same:

H. B. 189. An Act to amend and re-enact Subsection 1 of Section 4606a, Subsection 2, of Section 4604a, Subsection 4, of Section 4606a, and Subsection 6, of Section 4606a of Chapter 118 Kentucky Statutes, 1918, Carroll's Edition, and being Chapter 12 of Acts of 1914, session of the General Assembly of Kentucky, relating to a uniform system of accounting on State and county governments, and providing for penalties for violation of the provisions thereof.

To Committee on Revenue and Taxation No. 1.

By Mr. Murphy:

H. B. 190. An Act to repeal, amend and re-enact Chapter 81 of the Acts of the General Assembly of 1924 entitled: "An Act providing for additional supervision and regulation of the transportation of persons for compensation over public highways by motor propelled vehicles; defining automobile transportation companies; providing for additional supervision and regulation thereof by the State Highway Commission or its successors; providing for the assessment and collection of fees and taxes thereon and providing for the enforcement of the provisions of this Act and punishment for violations thereof." Providing for the appointment, qualification, term of office and compensation of motor transportation commissioner and his assistants; providing for the supervision and regulation of motor transportation of persons for hire over the public highways of Kentucky; providing for additional revenue for the enforcement of the provisions of this Act; punishment and violation thereof; for the examination and qualification of drivers of motor vehicles over the highways; fixing a fee for said drivers; providing for the regulation of fares, schedules, routes of motor vehicles; for procedure in the enforcement of the Act; appeals from the decisions of the Commissioner and for penalties for the violations of the Act.

To Committee on Motor Transportation.

By Mr. Manning:

H. B. 191. An Act to amend, extend, revise and re-enact Chapter 248 of the Acts of 1924, being an Act amending Chapter 79 of the Acts of 1922, which was an Act amending Chapter 17 of the Acts of 1920, relating to roads and bridges and relating to project No. 22A of the Primary System of State

Highways, extending from Pine Knot, McCreary County, via Williamsburg and Barbourville to Manchester, Clay County.

To Committee on Roads and Highways No. 2.

By Mr. S. K. Holland:

H. B. 192. An Act establishing as a State Primary Road project the road leading from Providence in Webster County, Kentucky on State Primary Road Projects 2-A and 74, to Dawson Springs in Hopkins County, Kentucky on State Primary Roads converging there, a distance of approximately 17 miles, and designating said road as State Primary Road Project —.

To Committee on Roads and Highways No. 2.

By same:

H. B. 193. An Act establishing as a state primary road, a road leading from Providence in Webster County, Kentucky, on State Primary Road Projects 2-A and 74, to Clay in Webster County, Kentucky on State Primary Road Project 2½, a distance of about seven miles, and designating said road as State Primary Road Project —.

To Committee on Roads and Highways No. 2.

By Mr. McDavid:

H. Res. 4. Joint Resolution for the benefit of Hitchins Graded School District of Hitchins, Kentucky, to reimburse said school district for money due said district because the census was reported fifty short in 1924.

To Committee on Appropriations No. 2.

Mr. Potter of the Committee on Motor Transportation to which same had been referred reported a bill of the following title, viz.:

H. B. 50. An Act to amend and re-enact Subsection A of Section 2 of Chapter 90 of the Acts of the General Assembly of 1920, entitled, "An Act relating to vehicles, regulating their use and operation upon the public highways of this Commonwealth; providing for the registration and licensing of motor vehicles, fixing the amount of license, manner of payment thereof; providing for the registration and licensing of operators of motor vehicles and the amount of such licenses; preventing illegal traffice in motor vehicles; providing a penalty for the violation of this Act so as to extend the time for the procurement of automobile license tags and repealing any and all conflicting laws."

With the expression of opinion that said bill ought not to pass.

Mr. Jones moved that said bill be ordered to a reading, the report of the Committee to the contrary notwithstanding.

Said motion was agreed to.

Thereupon said bill was read at length the first time and ordered to be placed on the Calendar.

The Committees to which same had been referred, reported bills of the following titles, viz.:

By Mr. Swinford of the Committee on Judiciary:

H. B. 35. An Act to allow persons convicted of liquor law violations in inferior courts to execute peace bond before County Judge.

H. B. 32. An Act authorizing the restoration to sound mind of persons who have been adjudged of unsound mind.

By Mr. Johnson of the Committee on Confederate Home:

H. B. 23. An Act to amend and re-enact Sec. 415b-6, Kentucky Statutes, relating to Confederate Soldiers entitled to pensions.

By Mr. Buckman of the Committee on Cities of the 5th Class:

H. B. 2. An Act to provide money for the maintenance and furnishing of a County Hospital, in counties having a city of the fifth class; and, in which there is established, in such county, a Community Hospital; that is, a non-dividend paying hospital, constructed by donation, or, endowment fund.

By Mr. Doss of the Committee on Claims:

H. Res. 2. Resolution authorizing Henry W. Bond, as the administrator of the estate of Brent Jones, deceased, to sue the Commonwealth of Kentucky.

By Mr. Vallandingham of the Committee on Juvenile Courts and Children's Homes:

H. B. 45. An Act to amend section 3 of an Act approved March 19, 1908, entitled "An Act relating to children who are now or may hereafter become dependent, neglected or delinquent, to define these terms and fixing and defining the powers of the several County Courts within this Commonwealth, with reference to the care, treatment and control of such children, and to provide for the means whereby such powers may be exercised" as amended by an Act approved March 23, 1910, entitled "An Act to amend Section 3 of an Act of the General Assembly of the Commonwealth of Ken-

tucky, approved March 19, 1908, entitled, 'An Act relating to children who are now or may hereafter become dependent, neglected or delinquent, to define these terms and fixing and defining the powers of the several County Courts within this Commonwealth, with reference to the care, treatment and control of such children, and to provide for the means whereby such powers may be exercised, ' '' being Section 331e-3 of the Kentucky Statutes, Carroll's Edition of 1922.

By Mr. Hayse of the Committee on Municipalities:

H. B. 51. An Act relating to the qualifications of members and officers of the police force in cities of the first class, and repealing Chapter 84 of the Acts of the General Assembly of 1924.

H. B. 44. An Act to amend Section 4 of an Act approved March 18, 1914, entitled "An Act to provide a stenographer for the County Judge of counties in the Commonwealth containing a population of two hundred thousand or over" being Section 1061a-4 of the Kentucky Statutes, Carroll's Edition of 1922.

By Mr. Morris of the Committee on Circuit Courts:

H. B. 83. An Act to amend Section 965, Carroll's Kentucky Statutes, relating to the time of holding the terms of Circuit Court in the Thirty-Third Judicial District, composed of the Counties of Perry and Leslie, and declaring an emergency.

H. B. 19. An Act to amend and re-enact section 2260, Kentucky Statutes, 1922 Edition, in relation to compensation of petit jurors in Circuit and inferior Courts.

With the expression of opinion that said bills ought to pass.

Said bills were severally read at length the first time and ordered to be placed on the Calendar.

The House took up for consideration from the Calendar, bills of the following titles, viz.:

H. B. 34. An Act to repeal Section 10, Chapter 36, Acts of 1920 and providing for the election of County Superintendents of Schools by the people.

H. B. 47. An Act to amend and re-enact Sub-section 6, section 1550 of the Kentucky Statutes, Carroll's 1915 Edition, as previously amended by Chapter 156 of the Acts of 1920, and as further amended by Chapter 99 of the Acts of 1920.

H. B. 10. An Act amending and re-enacting Section 3235a-28, Carroll's Kentucky Statutes, 1918 Edition and 3235a-26 of Supplement of 1922 Edition of Carroll's Kentucky Statutes, which is Chapter 52 page 174, Acts of 1922, approved March 23, 1922 relating to power to purchase site, issue of improvements bonds to be submitted to the people and provisions concerning bonds and relating to duties and powers and incurring indebtedness and relating to the rate of taxation and time the same is to be effective.

With an Amendment thereto by way of Substitute therefor.

With an Amendment thereto by way of Substitute thereto subsection 3 and 3235e-4, subsection 3, of the Kentucky Statutes, Carroll's 1922 Edition, relating to teachers' insurance and annuity funds of cities of the second class.

H. B. 58. An Act repealing section 3783 of the Kentucky Statutes, as amended March 23, 1920, Chapter 80, page 376, and as further amended March 22, 1922, Chapter 44, page 159, of the Acts of 1922, said Act relating to patrols, and reenacting same.

H. B. 61. An Act to amend and re-enact Section 3142b-3 of the Edition of the Kentucky Statutes, compiled and edited by John. D. Carroll.

H. B. 33. An Act entitled "An Act changing the name of Poorfork, Harlan County, Kentucky to that of 'Cumberland, ' Harlan County, Kentucky."

Ordered that said bill be read the second time.

The Constitutional provision as to the second reading of said bills at length being dispensed with, they were read the second time by their titles only.

Ordered that said bills be placed in the orders of the day.

A message was received from the Senate announcing that they had concurred in a resolution which originated in this body, entitled:

A concurrent resolution inviting the Governors of two States to address the General Assembly on February 3 at ten o'clock A. M.

(For resolution see House Journal of Tuesday, January 19.)

Mr. Meyers moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

MONDAY, JANUARY 25, 1926.

The House was opened with prayer by the Reverend J. Howard Gibbons of the Protestant Episcopal Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

W. B. Ardery
Wm. J. Arvin
W. O. Bach
A. J. Baldridge
J. H. Baughman
W. B. Belknap
T. H. Benton
Shaler Berry
C. H. Berryman
W. P. Bowman
Geo. A. Brown
F. W. Bryant
J. R. Buckman
S. J. Bunger
W. A. Carson
C. B. Carver
Lee Clark
Lonnie Cooper
Fred H. Coots
J. D. Cox
J. S. Cruse
W. J. Curtis
J. L. Cushing
C. L. Daly
Mormon B. Daniel
J. R. Dorman
E. J. Doss
James M. Durham
D. E. Edwards
J. O. Evans
D. W. Fowler
Otto C. Gartin
R. E. Glenn
C. C. Givens
Whitsett Hall
Lawrence Harmon
J. F. Harrison
C. W. Hawkins
J. M. Hayse
Goebel B. Henson
H. M. Holbrook
H. B. Holland
S. K. Holland
Ira L. Horne
J. C. Hutcherson
E. M. Johnson
Grover C. Johnson
W. W. Johnson
D. C. Jones
Mrs. H. G. Jorris
W. O. Keller
J. R. Kelly
Thos. H. King
Oscar Leibson
W. W. Leslie
Leon P. Lewis
J. L. Manning
Joe Martin
Shelby Martin
A. M. Mercer
H. J. Meyers
H. H. Miller
J. S. Milliken
T. R. Moore
B. T. Morris
L. P. Murphy
Chas. N. McCarty
J. L. McDavid
W. J. McGill
F. T. Nichols
Caleb Page
Smith Park
J. J. Patterson
Jas. J. Peters
Geo. W. Potter
W. H. Pryor
H. A. Pulliam
R. R. Rogers
Philip J. Ryan
Chas. L. Seale
M. G. Slusher
W. R. Smith
E. J. Snyder
Frank L. Strange
J. G. Swearengin
Mac Swinford
J. L. Valandingham
Chiles Van Antwerp
C. D. Vincent
W. S. Wallen
T. B. Watts

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. Cushing moved that a leave of absence be granted to Mr. Buckner.

Said motion was agreed to.

Mr. Strange moved that a leave of absence be granted to Mr. Ryans.

Said motion was agreed to.

Mr. Milliken moved that a leave of absence be granted to Mr. Bax.

Said motion was agreed to.

The Chief Clerk produced and read the following communications, viz.:

Indianapolis, Ind., January 22, 1926

Hon. Chas. J. Howes,
Chief Clerk House of Representatives,
Frankfort, Kentucky.

Dear Mr. Howes:

I am pleased to receive your communication in which you advise that the General Assembly of the Commonwealth of Kentucky has honored me with an invitation to address their Joint Assembly on February 3rd. I beg to assure you that my plans are now to be present with you on this occasion.

While Mrs. Jackson is now in the hospital, I sincerely hope that she will be sufficiently recovered within the next few days so that I will be warranted in leaving the city.

Assuring you of my highest personal esteem, I am,

Very truly yours,

ED JACKSON, *Governor.*

Cambridge, Massachusetts,
January 21, 1926.

Mr. C. J. Howes, Chief Clerk
House of Representatives,
Frankfort, Kentucky.
Dear Sir:

His Honor the Mayor directs me to acknowledge and thank you for certified copy of resolutions relative to the receipt of gavel made from the old Washington Elm.

Very truly yours,
EDWARD *A., Mayor's Clerk.*

Upon a call of the Counties and Representative Districts, the following bills and resolutions were introduced, ordered printed and referred as follows, viz.:

By Mr. Van Antwerp:

H. B. 194. An Act to amend, and re-enact Section 4421a-4, Kentucky Statutes, Carroll's 1922 Edition, relating to advertisement for bids, proposals concerning renewal; contract prices, on text books.

To Committee on Education No. 1.

By Mr. Johnson:

H. B. 195. An Act to amend and re-enact Section 2253, Carroll's Kentucky Statutes, 6th Edition, 1922, relating to qualification and exemption of petit jurors.

To Committee on Circuit Courts.

By Mr. Berry:

H. B. 196. An Act to enlarge the powers of the Railroad Commission and to give it authority to eliminate the grade

crossings and to separate the grades of railroads, street railroads, streets and roads where practicable and to apportion the expense and cost of same to the persons or corporations affected and to provide the procedure for said purpose.

To Committee on Railroads.

By Mr. Page:

H. B. 197. An Act to authorize cities and towns of the fifth and sixth classes, to collect all fines and forfeitures recovered on judgments rendered in their respective police courts and to retain same in their general revenue fund.

To Committee on Cities of the Fifth and Sixth Classes.

By Mr. Wallen.

H. B. 198. An Act to amend Section 2740 of Article 1 of Chapter 89 of Carroll's Kentucky Statutes, 1922 Edition, relating to the classification of cities and towns, by striking out the words "Prestonsburg, Floyd County" which appears in said section immediately after the words "Burnsides, Pulaski County" and inserting the words "Prestonsburg, Floyd County" just after the words "Ft. Thomas, Campbell County."

To Committee on Classification of Cities and Towns.

By same:

H. B. 199. An Act relating to the time and place of holding Primary Elections.

To Committee on Suffrage and Elections.

By same:

H. B. 200. An Act to provide for the establishment and maintenance of schools in towns of the sixth class and to provide revenue therefor.

To Committee on Education No. 2.

By same:

H. B. 201. An Act to provide for the establishment and maintenance of white graded common schools, and to provide revenue therefor.

To Committee on Education No. 2.

By Mr. Moore:

H. B. 202. An Act to repeal and re-enact Section 4535, Kentucky Statutes, being the last section of an act of May 22, 1893, relating to the Normal School for colored persons.

To Committee on Normal Schools.

By same:

H. B. 203. An Act to amend Section 3385 of Kentucky Statutes 1922, Carroll's Edition, in relating to appeals from assessments made by boards of supervisors and common council of cities of the third class.

To Committee on Cities of 2nd and 3rd Classes.

By Mr. Swearengin:

H. B. 204. An Act directing the submission of an amendment to Section 157a of the Constitution for a vote by the people.

To Committee on Constitutional Amendments.

By Mr. Leslie:

H. B. 205. An Act amending an Act and further regulating common carriers and prescribing the duties and powers of the Railroad Commission with reference thereto.

To Committee on Railroads.

By Mr. Fowler:

H. B. 206. An Act to amend and re-enact Sections 2739g-14 and 2739g-58 of Carroll's Kentucky Statutes, 1922 Edition, relating to motor vehicles; to protect the owners thereof; and providing for penalties for violations of said Act.

To Committee on Motor Transportation.

By same:

H. B. 207. An Act to provide for, and to authorize the refund and repayment of motor vehicle license fees, when such motor vehicle has been burnt, junked, stolen or otherwise made useless to the owner thereof, or sold out of the state..

To Committee on Motor Transportation.

By Mr. Bax:

H. H. 208. An Act to amend and re-enact Sections 3-4-8 of an Act entitled "An Act providing for the creation, control, disposition of a fund to be used in pensioning under certain conditions, policemen and the families of deceased policemen, in cities of the first class, approved March 12, 1912.

To Committee on Appropriations No. 2.

By same:

H. B. 209. An Act for the benefit of the Kentucky School for the Blind.

To Committee on Appropriations No. 2.

By Mr. Dorman:

H. B. 210. An Act providing for the appointment and qualifications of official shorthand reporters in Circuit Courts other than courts of continuous session; defining the duties thereof and prescribing the fees, etc.

To Committee on Circuit Courts.

By Mr. Meyers:

H. B. 211. An Act to repeal and re-enact Chapter 33 of the Acts of the General Assembly of 1902 (p. 71), which is entitled "An Act to change the name of the State Normal School for Colored Persons, and regulate the conduct of same," same being section 4527a, Kentucky Statutes, 1915 Edition.

To Committee on Normal Schools.

By Mr. Durham:

H. B. 212. An Act to provide for the assessment and collection of taxes on all property not exempt under Section 170 of the State Constitution for local common school purposes in each county, city, town and common school district, at the same rate of taxation as real estate is assessed for said purpose: to prescribe the duties of the County Tax Commissioners, the County Court Clerk; the School Boards and Trustees of common schools, and the Sheriff in the collection and distribution of said taxes; and to authorize School Boards and Trustees of common schools to assess an additional tax for supplementing teachers' salary.

To Committee on Revenue and Taxation.

By Mr. Carson:

H. B. 213. An Act to amend Section 807, Kentucky Statutes, Carroll's 1915 Edition, relating to injuring or obstructing a railroad whereby any engine or car might be wrecked.

To Committee on Railroads.

By same:

H. B. 214. An Act prescribing punishment for the offense of unlawfully assaulting another person on a public highway for the purpose of robbery.

To Committee on Kentucky Statutes.

By same:

H. B. 215. An Act to amend Section 1159 Kentucky Statutes, Carroll's 1915 Edition, relating to burglary and robbery.

To Committee on Kentucky Statutes.

By Mr. Pulliam:

H. B. 216. An Act to call a convention for the purpose of amending and revising the constitution and to provide for the redrafting thereof.

To Committee on Constitution Amendments.

By Mr. Vincent:

H. B. 217. An Act to create and establish Project No. La of State Roads and Highways, being a State Highway from Greenville, Muhlenberg County by way of Weir, Kirkmansville and Allegre, to Elkton, Todd County.

To Committee on Roads and Highways No. 2.

By same:

H. B. 218. An Act to provide the same length of term for white and colored schools in the same districts, repealing, amending and re-enacting Section 4484 in Chapter 8 of the Acts of the General Assembly of 1922 and Section 18 of Chapter 14 of the Acts of the General Assembly of 1920, same being Sections 118 and 401 of Senate Bill No. 28 in the present session of this General Assembly.

To Committee on Education No. 1.

By Mr. Benton:

H. B. 219. An Act to amend Sec. 5, Chapter 17 of the Acts of the General Assembly Kentucky, 1920, which is now Section 4356t-5 of Kentucky Statutes, Carroll's 1922 Edition, relating to roads and bridges and establishing a system of primary roads for the State of Kentucky and making provisions for the establishment, construction and maintenance of same. Said section to be amended by adding thereto, a primary road project from Hartford in Ohio County by way of Centertown to South Carrollton in Muhlenburg County.

To Committee on Roads and Highways No. 2.

By Mr. Murphy:

H. B. 220. An Act to provide for an appeal from the action of the Board of supervisors of taxes in cities of the fourth class.

To Committee on Cities of the 4th Class.

By Mr. Glenn:

H. B. 221. An Act to amend and re-enact Section 1676 of Article XII of Kentucky Statutes, relating to examinations.

To Committee on Judiciary.

By Mr. Patterson:

H. B. 222. An Act to repeal and re-enact Section 4393, Chapter 58, Acts of 1924, relating to the re-organization of the State Department of Education and providing additional cause for revocation of teachers' certificates.

To Committee on Kentucky Statutes.

By Mr. S. K. Holland:

H. B. 223. An Act to amend Section 1954, Subsection 1954b-8 Kentucky Statutes, Carroll's Edition 1922, regulating trapping and protection of fur bearing animals; Section 1954b-8 trapping on lands of another without latter's written consent, forbidden; regulation of license, penalty for violators.

To Committee on Fish and Game.

By same:

H. B. 224. An Act relating to dogs, the promotion of live stock industries and the protection of live stock and poultry from damage by dogs, providing for licensing of dogs, regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of licensed dogs and for dogs temporarily imported for trial, show and breeding purposes; prescribing certain privileges for hunting dogs, providing for listing of dogs by County Assessors and penalty for his failure to so list; providing for the assess-

ment of damages done by dogs, and payment thereof by the proper County to the owners of live stock and poultry, and of damages to licensed dogs; imposing powers and duties on certain State and County officers and providing penalties and fees.

To Committee on Revenue and Taxation No. 1.

By Mr. Henson:

H. B. 225. An Act to repeal and re-enact Sections 1, 2 and 3, respectively of Chapter 17 of the Acts of the General Assembly of 1920, approved on March 16, 1920, as amended by Chapter 290 of the Acts of 1924, to be found beginning on page 595, Session Acts of 1924, and all relating to roads and bridges and the Department of State Roads and Highways creating a State Highway Commission, fixing the qualifications, duties and compensation of them and their subordinates and declaring an emergency.

To Committee on Revenue and Taxation No. 1.

By Mr. Moore:

H. B. 226. An Act to amend Section 4881, Carroll's Kentucky Statutes, being a part of the Act commonly known as the Workmen's Compensation Act, and making the provisions of said Act apply to the employees of the State Government.

To Committee on Compensation for Industrial Injuries.

By same:

H. Res. 5. Resolution for the benefit of D. Owen Robinson, Frankfort, Kentucky.

To Committee on Appropriations No. 2.

By Mr. McGill:

H. Res. 6. Resolution to permit the Wilmore Construction Company, that is, C. S. Woodward and G. C. Woodward, to sue the Commonwealth.

To Committee on Roads and Highways No. 1.

The committee to which same had been referred, reported bills of the following titles, viz.:

By Mr. Martin of the Committee on Banks and Banking:

H. B. 46. An Act entitled "An Act to amend Section 865 of Kentucky Statutes of 1915; compiled by Hon. John D. Carroll, being also Section 865 of Chapter 144, Acts of 1918, being to further regulate the operation and management of building and loan associations.

By Mr. Cushing of the Committee on Cities of the 2nd and 3rd Classes:

H. B. 59. An Act to amend and re-enact Sections 3037f-1, 3037f-2, 3037f-3, 3037f-4, 3037f-5, 3037f-6, 3037f7, 3037f-8, 3037f-9, 3037f-10, 3037f-11, 3037f-12, 3037f-13, 3037f-14, 3037f-15, Carroll's Kentucky Statutes, 1915 Edition, relating to the examination and registration of plumbers; providing for the appointment of a board of examiners and inspectors, setting out the duties and salary of said board and inspectors, relating to the supervision and inspection of plumbing and drainage in cities of the first class, making it apply to cities of the second class as well as cities of the first class.

By Mr. Ryan of the Committee on Kentucky Statutes:

H. Res. 3. Resolution approving the action of the President of the U. S. in recommending participation in the World Court.

With an Amendment thereto.

By same:

H. B. 52. An Act to provide for the cost of fiduciaries' bonds, and for charging the payment thereof to the estate in the hands of the fiduciary.

By Mrs. Jorris of the Committee on Home Economics:

H. B. 54. An Act to make 19th of January a Legal Holiday.

By Mr. Hutcherson of the Committee on Suffrage and Elections:

H. B. 75. An Act to amend and re-enact Section 1550-18 of Article XII of Kentucky Statutes, Carroll's Edition 1922, relating to Primary Elections.

With the expression of opinion that said bills ought to pass.

Said bills were severally read at length the first time and ordered to be placed on the Calendar.

Mr. Ryan of the Committee on Kentucky Statutes to which same had been referred, reported a bill of the following title, viz.:

H. B. 12. An Act to amend Section 1961 and 3914b, Carroll's Kentucky Statutes, and also to amend an Act approved March 11, 1920 entitled, "An Act prohibiting betting or wagering on horse races, other than at licensed race tracks, or within inclosures during regular meeting wherein running, trotting or pacing races are being conducted by associations, regularly organized for that purpose and prescribing a penalty therefor."

With the expression of opinion that said bill ought not to pass.

Mr. Clark moved that said bill be ordered to its first reading, the report of the Committee to the contrary notwithstanding.

Said motion was agreed to.

The yeas and nays being required thereon by Messrs. Clark and Pulliam were as follows, viz.:

Those who voted in the affirmative were—

Wm. J. Arvin	D. W. Fowler	A. M. Mercer
W. O. Bach	Otto C. Gartin	J. S. Milliken
A. J. Baldridge	R. E. Glenn	T. R. Moore
J. H. Baughman	C. C. Givens	B. T. Morris
W. B. Belknap	Whitsett Hall	Chas. N. McCarty
T. H. Benton	Lawrence Harmon	J. L. McDavid
W. P. Bowman	J. F. Harrison	F. T. Nichols
D. F. Brown	Goebel B. Henson	Caleb Page
Geo. A. Brown	H. M. Holbrook	J. J. Patterson
F. W. Bryant	H. B. Holland	Jas. J. Peters
S. J. Bunger	S. K. Holland	W. H. Pryor
W. A. Carson	Ira L. Horne	H. A. Pulliam
C. B. Carver	J. C. Hutcherson	R. R. Rogers
Lee Clark	Grover C. Johnson	Chas. L. Seale
Lonnie Cooper	W. W. Johnson	E. J. Snyder
Fred H. Coots	Mrs. H. G. Jorris	J. G. Swearengin
C. L. Daly	W. O. Keller	Mac Swinford
Mormon B. Daniel	Thos. H. King	J. L. Valandingham
E. J. Doss	W. W. Leslie	Chiles Van Antwerp
James M. Durham	J. L. Manning	C. D. Vincent
D. E. Edwards	Joe Martin	T. B. Watts
J. O. Evans		

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Those who voted in the negative were—

W. B. Ardery	C. H. Berryman	J. D. Cox
Shaler Berry	J. R. Buckman	J. S. Cruse

W. J. Curtis	Leon P. Lewis	Geo. W. Potter
J. L. Cushing	Shelby Martin	Philip J. Ryan
J. R. Dorman	H. J. Meyers	M. G. Slusher
F. A. Gnau	H. H. Miller	Frank L. Strange
C. W. Hawkins	L. P. Murphy	W. S. Wallen
J. M. Hayse	W. J. McGill	
Oscar Leibson	Smith Park	—24

And so said bill was read the first time at length and ordered to be placed on the Calendar.

The House took up for consideration from the Calendar, bills and resolutions of the following titles viz.:

H. B. 50. An Act to amend and re-enact Subsection A. of Section 2 of Chapter 90 of the Acts of the General Assembly of 1920, entitled "An Act relating to vehicles, regulating their use and operation upon the public highways of this Commonwealth, providing for the registration and licensing of motor vehicles, fixing the amount of license, manner of payment thereof; providing for the registration and licensing of operators of motor vehicles and the amount of such license; preventing illegal traffic in motor vehicles; providing a penalty for the violation of this Act so as to extend the time for the procurement of automobile license tags and repealing any and all conflicting laws."

H. B. 35. An Act to allow persons convicted of liquor law violations in inferior courts to execute peace bond before County Judge.

H. B. 32. An Act authorizing the restoration to sound mind of persons who have been adjudged of unsound mind.

H. B. 23. An Act to amend and re-enact Sec. 415b-6, Kentucky Statutes, relating to Confederate Soldiers entitiled to pensions.

H. B. 2. An Act to provide money for the maintenance and furnishing of a County Hospital, in counties having a city of the fifth class; and in which there is established, in such county, a Community Hospital, that is, a non-dividend paying hospital, constructed by donation, or, endowment fund.

H. Res. 2. Resolution authorizing Henry W. Bond, as the administrator of the estate of Brent Jones, deceased, to sue the Commonwealth of Kentucky.

H. B. 45. An Act to amend Section 3 of an Act approved March 19,1908, entitled "An Act relating to children who are now or may hereafter become dependent, neglected or delinquent, to define these terms and fixing and defining the powers of the several County Courts within this Commonwealth, with reference to the care, treatment and control of such children, and to provide for the means whereby such power may be exercised" as amended by an Act approved March 23, 1916, entitled "An Act to amend Section 3 of an Act of the General Assembly of the Commonwealth of Kentucky, approved March 19, 1908, entitled 'An Act relating to children who are now or may hereafter become dependent, neglected or delinquent, to define these terms and fixing and defining the powers of the several County Courts within this Commonwealth, with reference to the care, treatment and control of such children, and to provide for the means whereby such powers may be exercised,' " being Section 331e-3 of the Kentucky Statutes, Carroll's Edition of 1922.

H. B. 51. An Act relating to the qualifications of members and officers of the police force in cities of the first class, and repealing Chapter 84 of the Acts of the General Assembly of 1924.

H. B. 44. An Act to amend Section 4 of an Act approved March 18, 1914, entitled "An Act to provide a stenographer for the County Judge of counties in the Commonwealth con-

taining a population of two hundred thousand or over'' being section 1061a-4 of the Kentucky Statutes, Carroll's Edition of 1922.

H. B. 83. An Act to amend Section 965, Carroll's Kentucky Statutes, relating to the time of holding the terms of Circuit Court in the Thirty-Third Judicial District composed of the Counties of Perry and Leslie, and declaring an emergency.

H. B. 19. An Act to amend and re-enact Section 2260, Kentucky Statutes, 1922 Edition, in relation to compensation of petit jurors in Circuit and Inferior Courts.

Ordered that said bills and resolutions be read the second time.

The Constitutional provisions as to the second reading of said bills at length being dispensed with, said bills were read the second time by their titles only.

Order that said bills and resolutions be placed in the Orders of the Day.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 34. An Act to repeal Section 10 of Chapter 36 of the Acts of 1920 and providing for the election of the County Superintendent of Schools by the people.

Mrs. Jorris moved that said bill be recommitted with leave to report at any time.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 47. An Act to amend and re-enact Subsection 6, Section 1550 of the Kentucky Statutes, Carroll's 1915 Edition,

as previously amended by Chapter 156 of the Acts of 1920 and as further amended by Chapter 99 of the Acts of 1920.

Mr. Meyers moved that said bill lie on the table.

Said motion was agreed to.

The yeas and nays being required thereon by Messrs. Belknap and Fowler were as follows, viz.:

Those who voted in the affirmative were—

W. B. Ardery	James M. Durham	H. H. Miller
Wm. J. Arvin	D. E. Edwards	J. S. Milliken
W. O. Bach	Otto C. Gartin	B. T. Morris
F. W. Bryant	R. E. Glenn	L. P. Murphy
J. R. Buckman	Lawrence Harmon	W. J. McGill
W. A. Carson	C. W. Hawkins	F. T. Nichols
C. B. Carver	J. M. Hayse	Geo. W. Potter
Lee Clark	Goebel B. Henson	W. H. Pryor
Lonnie Cooper	H. M. Holbrook	Philip J. Ryan
Fred H. Coots	S. K. Holland	Chas. L. Seale
J. D. Cox	W. O. Keller	M. G. Slusher
W. J. Curtis	Oscar Leibson	E. J. Snyder
J. L. Cushing	W. W. Leslie	J. G. Swearengin
C. L. Daly	J. L. Manning	Mac Swinford
J. R. Dorman	Shelby Martin	W. S. Wallen
E. J. Doss	H. J. Meyers	T. B. Watts

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Those who voted in the negative were—

A. J. Baldridge	J. S. Cruse	J. C. Hutcherson
J. H. Baughman	Mormon B. Daniel	Grover C. Johnson
W. B. Belknap	D. W. Fowler	Mrs. H. G. Jorris
Shaler Berry	C. C. Givens	J. R. Kelly
C. H. Berryman	F. A. Gnau	Thos. H. King
W. P. Bowman	Whitsett Hall	Leon P. Lewis
D. F. Brown	J. F. Harrison	A. M. Mercer
Geo. A. Brown	H. B. Holland	T. R. Moore
S. J. Bunger	Ira L. Horne	Chas. N. McCarty

J. L. McDavid	Jas. J. Peters	J. L. Valandingham
Caleb Page	H. A. Pulliam	Chiles Van Antwerp
Smith Park	R. R. Rogers	C. D. Vincent
J. J. Patterson	Frank L. Strange	

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And so said bill was rejected.

The hour of three o'clock P. M. having arrived, the House stood adjourned until ten o'clock A. M. tomorrow.

TUESDAY, JANUARY 26, 1926.

The House was opened with prayer by the Rev. W. P. Fryman of the Methodist Episcopal Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

W. B. Ardery	J. S. Cruse	H. M. Holbrook
Wm. J. Arvin	W. J. Curtis	H. B. Holland
W. O. Bach	J. L. Cushing	Ira L. Horne
A. J. Baldridge	C. L. Daly	J. C. Hutcherson
J. H. Baughman	Mormon B. Daniel	E. M. Johnson
T. H. Benton	J. R. Dorman	Grover C. Johnson
Shaler Berry	E. J. Doss	W. W. Johnson
C. H. Berryman	James M. Durham	D. C. Jones
W. P. Bowman	D. E. Edwards	Mrs. H. G. Jorris
D. F. Brown	J. O. Evans	W. O. Keller
Geo. A. Brown	D. W. Fowler	J. R. Kelly
F. W. Bryant	Otto C. Gartin	Thos. H. King
J. R. Buckman	R. E. Glenn	Oscar Leibson
W. G. Buckner	C. C. Givens	W. W. Leslie
S. J. Bunger	F. A. Gnau	Leon P. Lewis
W. A. Carson	Whitsett Hall	J. L. Manning
C. B. Carver	Lawrence Harmon	Joe Martin
Lee Clark	J. F. Harrison	Shelby Martin
Lonnie Cooper	C. W. Hawkins	A. M. Mercer
Fred H. Coots	J. M. Hayse	H. J. Meyers
J. D. Cox	Goebel B. Henson	H. H. Miller

J. S. Milliken
T. R. Moore
B. T. Morris
L. P. Murphy
Chas. N. McCarty
J. L. McDavid
W. J. McGill
F. T. Nichols
Caleb Page
Smith Park
J. J. Patterson
Jas. J. Peters
Geo. W. Potter
W. H. Pryor
H. A. Pulliam
Clint Raymer
R. R. Rogers
Philip J. Ryan
C. W. Ryans
Chas. L. Seale
M. G. Slusher
W. R. Smith
E. J. Snyder
Frank L. Strange
J. G. Swearengin
Mac Swinford
J. L. Valandingham
Chiles Van Antwerp
C. D. Vincent
W. S. Wallen
T. B. Watts

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. McDavid moved that the privileges of the floor be extended to the Hon. W. P. Witt, former Senator and present Mayor of Ashland, Kentucky.

Said motion was agreed to.

Mr. G. O. Johnson offered the following resolution, viz.:

Be it Resolved by the House of Representatives, that Dr. J. W. Porter be invited to address this House of Representatives, Wednesday, January 27th at eleven-thirty o'clock A. M. on Evolution.

Said resolution was disagreed to.

Upon a call of the Counties and Legislative Districts, the following bills were introduced, ordered printed and referred as follows, viz.:

By Mr. Hutcherson:

H. B. 227. An Act to create a central purchasing agency for the Commonwealth of Kentucky, providing for a State Purchasing Commission to administer the same, for its expenses, including the salary of its chairman, defining its

powers and duties, its mode of procedure, governing its members in relation to their official duties as such and the manner of their appointment, and fixing the venue of actions for or against the Commission or members thereof.

To Committee on Kentucky Statutes.

By Mr. Miller:

H. B. 228. An Act to repeal Section 4315 Chapter 110, Roads—Public, Carroll's Kentucky Statutes, and to enact in lieu thereof a new Section, 4315, providing for penalties for the defacement or removal of signs, barriers, route numbers from the public highways, and further regulating the right and authority of the State Highway Commission to control same, and declaring an emergency.

To Committee on Roads and Highways No. 1.

By Mr. King:

H. B. 229. An Act establishing as a part of the primary system of state highways a road from Princeton, Caldwell County, to Madisonville, Hopkins County, via Tradewater River bridge, and designating said road as Project No. 10.

To Committee on Roads and Highways No. 2,

By Mr. McDavid:

H. B. 230. An Act providing for the election of all members of graded school boards in this Commonwealth by the secret ballot system.

To Committee on Education No. 1.

By same:

H. B. 231. An Act to repeal and re-enact Sec. 1599c-1 Carroll's Kentucky Statutes and further regulating the conditions under which persons, firms and corporations may place and maintain wires and poles, and other appliances for public utility service on the highways constituting and embraced in the State Primary System.

To Committee on Roads and Highways No. 1.

By Mr. Ryan:

H. B. 232. An Act to amend Subdivision 111, Section 822, Kentucky Statutes—Railroad Commission.

To Committee on Railroads.

By Mrs. Jorris:

H. B. 233. An Act establishing as a part of the Primary System of State Highways and the Commonwealth of Kentucky, a road running from Columbia, Kentucky to a point in Project No. 23 near Dunnville, Casey County, Kentucky, and designate said road as Project No. 23A.

To Committee on Roads and Highways No. 2.

By Mr. Wallen:

H. B. 234. An Act relating to reward of enlisted soldiers, sailors, marine and army nurses, in the service of the United States, and certain dependents of deceased persons, enlisted, inducted, warranted or commissioned during the World War from or between April 6, 1917, and November 11, 1918, or any part thereof, from the State of Kentucky; prescribing qualifications of those who shall receive such reward, fixing the amount of such reward and creating a commission to be known as "The Soldiers' Compensation Board of Kentucky" and fixing the powers and duties of such commission and making

an appropriation therefor; providing for submission to the voters of Kentucky, at the next general election to be held November, 1926, the question of whether or not bonds pledging the full faith and credit of the Commonwealth of Kentucky in the sum of ten million dollars, shall be issued and sold to create a fund out of which to pay such reward.

To Committee on Military Affairs.

By same:

H. B. 235. An Act relating to mines and mining, defining the rights and duties of coterminous owners, prohibiting encroachments, and prescribing methods for enforcing the provisions hereof.

To Committee on Mines and Mining.

By Mr. Brown:

H. B. 236. An Act to establish Project No. — in the primary system of State Highways.

To Committee on Roads and Highways No. 2.

By Mr. Henson:

H. B. 237. An Act to repeal and re-enact Section 2739g-1, 2739g-33, 2739g-39, 2739g-51, 2739g-65 and 2739g-65 (b), Carroll's Kentucky Statutes, and being parts of Chapter 90, Acts of the Session of 1920, beginning at page 415 in the Session Acts of 1920, and all relating to the subject of Motor Vehicles and their operation up the public roads of the State; changing the lawful rates of speed and prohibiting the use of injurious vehicles on public highways.

To Committee on Motor Transportation.

By same:

H. B. 238. An Act providing for additional supervision and regulation of the carrying and hauling of freight for compensation over public highways by motor propelled carriers or vehicles, defining "commercial trucks" and "commercial truck companies;" providing for additional supervision and regulation thereof by the State Highway Commission, or its successors; providing for the assessment and collection of fees and taxes thereon; and providing for the enforcement of the provisions of this Act and punishment for the violation thereof.

To Committee on Motor Transportation.

By Mr. Mercer:

H. B. 239. An Act regulating the depositing of funds of the Commonwealth of Kentucky collected by county and district officials and trustees of the fund, and providing a manner of keeping a daily record thereof and fixing penalties for failure to keep such record or to make such deposit and converting such funds to such officers' individual use.

To Committee on Kentucky Statutes.

By Mr. Swinford:

H. B. 240. An Act to repeal Section 1, of Chapter 221 entitled "An Act relating to Courts of Justice" which was approved June 10, 1893, being Section 949 of Kentucky Statutes, and to substitute in lieu thereof the section herein enacted relating to the jurisdiction of the Court of Appeals.

To Committee on Court of Appeals.

By Mr. Lewis:

H. B. 241. An Act merging in counties in which there is a city of the first class the Board of Children's Guardians and the Board of the City and County Children's Home.

To Committee on Municipalities.

By Mr. Hayse:

H. B. 242. An Act to amend "an Act relating to the destroying of election ballot stubs," being Chaptor 70 of the Acts of the General Assembly of the Commonwealth of Kentucky, 1918.

To Committee on Suffrage and Elections.

By Mr. Watts:

H. B. 243. An Act authorizing the State Librarian to purchase and distribute to certain public officials of the Commonwealth of Kentucky copies of Doctor Willard Rouse Jillson's "Kentucky Land Grants" and appropriating necessary funds out of the general expense fund of the Commonwealth, not otherwise appropriated, sufficient to pay for same.

To Committee on Geological Survey.

By Mr. Baldridge:

H. B. 244. An Act to amend Sec. 21 of Chapter 80, Acts of Kentucky for the year 1914, approved March 23, 1914, being Section 4307 of Carroll's Kentucky Statutes, relating to the issue of Road and Bridge Bonds by the Fiscal Courts.

To Committee on Bond Issues.

By Mr. Meyers:

H. B. 245. An Act to repeal Chapter 53 of the Acts of 1922, entitled "An Act relating to and fixing the time, when

the question of annexation by any city of the second class of a city of the second, third or fourth class, as provided in Section 3050a, Kentucky Statutes, Carroll's 1915 Edition, may again be taken up and resubmitted to an election after it has been once rejected," and which was approved by the Governor on March 23, 1922.

To Committee on Kentucky Statutes.

By Mr. Potter:

H. B. 246. An Act to amend and re-enact Section 1377, 1378, 1379-1, 1379-8 and 1389, Kentucky Statutes, 1922 Edition, all relating to prisoners and punishment thereof by hard labor, fixing duties of county judge in reference thereto, and providing penalties for violation of such duties.

To Committee on Charitable Institutions.

By Mr. Drury:

H. B. 247. An Act relating to roads and highways and adding a road to the primary system of Kentucky.

To Committee on Roads and Highways No. 2.

By Mr. Hawkins:

H. B. 248. An Act providing for additional supervision and regulation of the transportation of persons for compensation over public highways by motor propelled vehicles; defining automobile transportation companies; providing for additional supervision and regulation thereof by the State Highway Commission or its successors; defining their rights to issue franchises to bus operators, providing for the assessment of fees and taxes on motor propelled busses, and providing for the enforcement of the provisions of this Act and punishment for violations thereof.

To Committee on Motor Transportation.

By Mr. Hawkins:

H. B. 249. An Act providing for additional supervision and regulation of the transportation of persons, for compensation, over public bridges and ferries on the State maintained highways or Primary Road System of the Commonwealth; defining "bridge companies" and "ferry companies;" defining "toll bridges" and "toll ferries;" providing for control of operation and fixing of rates over such bridges and ferries by the State Highway Commission or its successors; providing for the licensing and collection of fees from such bridge companies and ferry companies and further providing for the enforcement of the provisions of this Act and punishment of the violations thereof.

To Committee on Bridges and Ferries.

By Mr. Milliken:

H. B. 250. An Act requiring that before a deed to real estate title to which has been acquired by the grantor or grantors therein by descent from an ancestor shall be filed for record, an affidavit shall be filed with the clerk of the county court of the county in which the land is located, showing the name and place of residence at time of death of such ancestor, that he or she died intestate, whether married or single at the time of death and if married the name of the surviving husband or wife, the names, ages and addresses, so far as known, of each of such ancestor's heirs, the relationship of each to said ancestor and the interest inherited by each requiring the clerk to record and index such affidavit, fixing his fee for such, making it unlawful for the clerk to receive such a deed for record until such affidavit is filed, and providing a penalty for violation thereof.

To Committee on Judiciary.

By same:

H. B. 251. An Act to repeal and re-enact Chapter 37 of Acts 1924, an Act providing for vacation for County Judges.

To Committee on County and City Courts.

By same:

H. B. 252. An Act to amend and re-enact Section 4619, 4620 and 4623 of Chapter 120, Kentucky Statutes, 1918 Carroll's Edition, relating to the office of State Inspector and Examiner.

To Committee on Executive Affairs.

By Mr. Holbrook:

H. B. 253. An Act relating to County Superintendents of Schools; providing for his qualifications and repealing all laws in conflict therewith.

The Committee to which same had been referred, reported bills of the following titles, viz.:

By Mr. Murphy of the Committee on Agriculture:

H. B. 22. An Act to regulate the sale of fruit trees, vines, shrubs or plants by nonresidents, requiring the execution of bond and providing a penalty for its violation.

With an Amendment thereto.

By Mr. Leslie of the Committee on Public Health:

H. B. 13. A bill to safeguard the distribution and sale of certain dangerous caustic or corrosive acids, alkalis or other substances in the Commonwealth of Kentucky.

By Mr. Cooper of the Committee on Public Ditches:

H. B. 65. An Act amending Section 2380b-40 of Carroll's Kentucky Statutes and otherwise relating to the drainage and reclamation of lands and the collection of taxes for drainage districts and public ditches.

By Mr. Bach of the Committee on Public Safety:

H. B. 55. An Act to require a driver of any vehicle on a public highway, on approaching railway and interurban grade crossings, outside of cities and incorporated towns, to stop, look and listen, before passing thereover, and to require Highway Commissioners to erect and maintain stop signs for such crossings; and to require railway and interurban companies to furnish and deliver said signs; and providing penalties for non-compliance to stop, look and listen.

By Mr. Peters of the Committee on suffrage and Elections:

H. B. 144. An Act to amend Article 12, Section 1150, Subsection 19, Carroll's Kentucky Statutes, 1922, prescribing the qualifications of electors in Primary Elections,

By Mr. Morris of the Committee on Circuit Courts:

H. B. 63. An Act to change and fix the time, place and terms of court in the 20th Judicial District.

By same:

H. B. 49. An Act to repeal and re-enact Chapter 59 of the Acts of the General Assembly of 1918 relating to Courts of Justice.

With the expression of opinion that said bills ought to pass.

Said bills were then severally read at length the first time and ordered to be placed on the Calendar.

Mr. Morris of the Committee on Circuit Courts to which same had been referred, reported a bill of the following title, viz.:

H. B. 17. An Act to amend and re-enact Section 2251, Kentucky Statutes, 1922 Edition, in relation to compensation of Grand Jurors in the Circuit Courts of this Commonwealth.

With the expression of opinion that said bill ought not to pass.

No further action having been taken by the House in regard to said bill and no motion having been made to advance said bill to a reading the opinion of the Committee to the contrary notwithstanding, it was ordered that said bill be not read the first time at length.

And so said bill was rejected.

Mr. Strange moved that the Rules be suspended and that the House take up for consideration the Calendar and the Orders of the Day.

Said motion was agreed to.

Thereupon the House took up for consideration from the Calendar, bills of the following titles, viz.:

H. B. 46. An Act entitled "An Act to amend Section 865 of Kentucky Statutes of 1915; compiled by the Hon. John D. Carroll, being also Section 865 of Chapter 144, Acts 1918, being to further regulate the operation and management of building and loan associations.

H. B. 59. An Act to amend and re-enact Section 3037f-1, 3037f-2, 3037f-3, 3037f-4, 3037f-5, 3037f-6, 3037f-7, 3037f-8,

3037f-9, 3037f-10, 3037f-11, 3037f-12, 3037f-13, 3037f-14, 3037f-15, Carroll's Kentucky Statutes, 1915 Edition, relating to the examination and registration of plumbers providing for the appointment of a board of examiners and inspectors, setting out the duties and salary of said board and inspectors, relating to the supervision and inspection of plumbing and drainage in cities of the first class, making it apply to cities of the second class as well as cities of the first class.

H. Res. 3. Resolution approving the action of the President of the U. S. in recommending participation in the World Court.

With an Amendment thereto.

H. B. 52. An Act to provide for the cost of fiduciaries' bonds, and for charging the payment thereof to the estate in the hands of the fiduciary.

H. B. 54. An Act to make 19th of January a legal holiday.

H. B. 75. An Act to amend and re-enact Section 1550-18 of Article XII of Kentucky Statutes, Carroll's Edition, 1922, relating to Primary Elections.

H. B. 12. An Act to amend Section 1961 and 3914b, Carroll's Kentucky Statutes, and also to amend an Act approved March 11, 1920 entitled, "An Act prohibiting betting or wagering on horse races, other than at licensed race tracks, or within inclosures during regular meetings wherein running, trotting or pacing races are being conducted by associations, regularly organized for that purpose and prescribing a penalty therefor."

Ordered that said bills be read the second time.

The Constitutional provision as to the second reading of said bills at length being dispensed with, they were read the second time by their titles only.

Ordered that said bills be placed in the Orders of the Day.

Mr. Strange moved that the session of today be extended indefinitely.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 10. An Act amending and re-enacting Section 3235a-28, Carroll's Kentucky Statutes, 1918 Edition, and 3235a-26 of Supplement of 1922 Edition of Carroll's Kentucky Statutes, which is Chapter 52, page 174, Acts of 1922, approved March 23, 1922 relating to power to purchase site, issue of improvements bonds to be submitted to the people and provisions concerning bond and relating to duties and powers and incurring indebtedness and relating to the rate of taxation and time the same is to be effective.

With an Amendment thereto by way of Substitute therefor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 3235a-28, Carroll's Kentucky Statutes, 1918 edition, and section 3235a-26 of supplement of 1922 edition of Carroll's Kentucky Statutes, which is Chapter 52, page 174, Acts of 1922, approved March 23, 1922, be amended and re-enacted and when amended and re-enacted shall read as follows:

Section 3235a-26. Said Board of Education shall annually, in the month of January, approximately ascertain the amount of money, which will be necessary to be used to defray the expenses of maintaining the schools, including sinking fund, repairs and improvements of buildings and any liquidation of liabilities falling due during the current fiscal year, and shall enter the same at large (together with the estimated approximate amount to be received from the common school fund of the State of Kentucky for the year) upon the minute book of the board, and power and authority is hereby conferred upon such board of education to impose and levy ad valorem taxes upon all real and personal property in such city subject to and assessed for taxation for city purposes, not exceeding a rate of one dollar and twenty-five cents upon each one hundred dollars of taxable property, and shall also levy a sufficient amount to provide for sinking fund purposes for the fiscal year, and the taxes accruing from so much of said levy as is made for sinking fund purposes shall be by said board of education at once irrevocably set aside and used for that purpose and not otherwise, and said sinking fund as above provided for shall include the sinking fund for the entire outstanding indebtedness of said board, whether created before or after 1912. Not later than the month of March annually, the board of education shall adopt a resolution imposing and levying an ad valorem tax upon all the real and personal property subject to taxation and assessed by said city for general purposes at such rate not exceeding one dollar and twenty-five cents on the one hundred dollars' valuation of said property, as shall, in the opinion of said board, be necessary to produce in that year the total estimated sum necessary to be raised to support and maintain the public schools of the city, less the estimated sum to be received from the State common school fund, and shall also levy a tax for sinking fund purposes, and said resolution shall be forthwith certified under the seal of said board of education to the general council or board of commissioners of said city, and

said levy at the rate so fixed and certified shall be by said general council or board of commissioners added to and included in the regular tax bills of the city containing the ordinary levy, and shall be collected with the same by the same officers, and in the same manner and at the same time, as the ordinary taxes for said city are collected by the collecting officer of the city, and all powers and duties conferred upon and required of officers in collecting the ordinary city taxes are hereby conferred upon and required of them in collecting the taxes levied by the board of education, and such collecting officer or officers, and his or their securities, shall be severally liable under their official bonds for any failure in the performance of their duties on which bond or bonds, suit or suits, may be brought for the use of said board and recovery had for such amounts as shall be found due from such officer or officers. As and when said taxes are collected the city treasurer, or collecting officer, of said city, shall promptly pay the same to the treasurer of the board of education, taking the receipts of said treasurer for the sum so paid, which shall be a full acquittance of said treasurer therefor, and said board of education shall, under its seal certify to the general council or board of commissioners, the name and location of its treasurer and of any change in said name of location. Provided, however, that the limitations hereinbefore prescribed of the tax that may be levied for school purposes shall not apply where a bonded indebtedness has been incurred for public school purposes, and when such an indebtedness has been incurred that there may be levied in addition to the tax hereinbefore authorized. An annual ad valorem tax sufficient to pay the interest on said indebtedness and also to constitute a sinking fund for the payment of the principal thereof. The provisions hereof shall apply to any bonded indebtedness whether heretofore or hereafter created.

Section 3235a-28. Whenever the board of education shall deem it necessary for the proper accommodation of the schools of such city to acquire or enlarge sites for school buildings,

to erect, improve, remodel, rebuild or restore buildings for high schools or for any other school purpose or for any or all these purposes, and the annual funds raised from other sources are not sufficient to accomplish said purpose or purposes, said board shall make a careful estimate of the probable amount of money required for such purpose or purposes and it shall certify to the general council or board of commissioners of said city the fact that an election for an issue of bonds for school improvement shall be held, together with the amount of money for which bonds shall be issued and the purpose or purposes to which the proceeds thereof shall be applied. It shall thereupon be the duty of the general council or board of commissioners to adopt an ordinance submitting to the qualified voters of the city at the next regular election the question whether bonds of the city shall be issued for the purpose or purposes aforesaid. The bonds so issued shall be designated as "school improvement bonds," and the ordinance shall fix the time the bonds shall run, and if a serial issue, then the amount to mature at each time, and limit the rate of interest which will be permitted on said bonds and the total amount of bonds to be issued, and provided for the levy of a tax to pay the interest and to either redeem the bonds as they mature or provide for the accumulation of a sinking fund to retire them at their maturity. The question when submitted shall be so framed that the voter may by his vote answer for or against such proposition.

The total outstanding issue of bonds for school purposes, including bonds already issued, shall never exceed five (5%) per centum of the value of the taxable property of the city to be estimated by the assessment next before the last assessment previous to the incurring of the indebtedness.

If the voters of the city shall determine by a two-thirds majority of those voting that such bonds shall be issued they shall, when so issued, be placed under the control of the board of education, who shall determine when and at what price and how they shall be sold, and the date, number of bonds,

denominations, whether coupon or registered, the rate of interest and frequency of payment thereof, place of payment of principal and interest and any other details it desires, embodied in the bonds or in the ordinance providing for their issue and shall certify same to the governing body of said city, who shall at once adopt an ordinance in conformity therewith and cause the bonds to at once be properly prepared and executed and turned over to the board of education for sale and delivery; provided, that no such bonds shall be sold for less than par; nor bear a greater rate of interest than six per centum per annum (and provided, further, that any premium which may be obtained from said bonds shall constitute a part of the sinking fund for their ultimate retirement). As the bonds are sold their proceeds shall be placed to the credit of the board in the same depository which is selected for its other funds, but shall be kept in a separate account and shall be used only for the purposes for which the bonds were issued.

It shall be the duty of the general council or of the commissioners, in addition to the levy made for the maintenance of the schools as hereinbefore provided, to levy annually in its tax levy a rate that will raise a sum that shall be sufficient to pay the interest and create a sinking fund for the payment of the bonds at maturity. The said bonds, principal and interest shall be a charge upon the sinking fund of said city, and it shall be entitled to have the annual tax that shall be levied for payments of such bonds or interest as aforesaid.

All laws or parts of laws in conflict with this act are to the extent of such conflict, hereby repealed.

For the reason that second class cities in this Commonwealth must lay their levies for school purposes for the school year 1925-26 within the month of March, 1926, and certain of said cities will not have sufficient revenue to conduct a full term of school in said cities during said school year unless they can increase their levy for said year an emergency is de-

clared to exist and this bill shall become a law upon its passage and approval by the Governor.

Said Substitute is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 3235a-28, Carroll's Kentucky Statutes, 1915 edition, being chapter 137 of the Acts of 1912 as amended in chapter 57, of the Acts of 1916, page 528; and Section 3235a-26, Carroll's Kentucky Statutes, 1915 edition, being the Act of March 19, 1912, chapter 137, page 545 as amended by chapter 57, page 528 of the Acts of 1916, as amended by chapter 167, page 673 of the Acts of 1918, as amended by chapter 52, page 174, of the Acts of 1922, be amended and re-enacted, so that when same are amended and re-enacted they shall read as follows:

Section 3235a-26. Said Board of Education shall annually, in the month of January, approximately ascertain the amount of money which will be necessary to be used to defray the expenses of maintaining the schools, including sinking fund, repairs and improvements of buildings and any liquidation of liabilities falling due during the current fiscal year, and shall enter the same at large (together with the estimated approximate amount to be received from the common school fund of the State of Kentucky for the year) upon the minute book of the board, and power and authority is hereby conferred upon such board of education to impose and levy ad valorem taxes upon all real and personal property in such city subject to and assessed for taxation for city purposes, not exceeding a rate of One Dollar upon each Hundred Dollars of taxable property. Provided, however, that an additional twenty-five cents on each One Hundred Dollars of taxable property may be levied for operating and maintaining the schools with the approval of the Board of Commissioners or General Council of such city or cities upon due proof pre-

sented to said Board of Commissioners or General Council by said Board of Education that the extra levy is necessary for school purposes in its respective city. The consent above mentioned shall be required only in the event the extra levy of twenty-five cents, or any part thereof, is desired by the Board of Education and shall also levy a sufficient amount to provide for sinking fund purposes for the fiscal year, and the taxes accruing from so much of said levy as is made for sinking fund purposes shall be by said board of education at once irrevocably set aside and used for that purpose and not otherwise, and said sinking fund as above provided for shall include the sinking fund for the entire outstanding indebtedness of said board, whether created before or after 1912.

Not later than the month of March annually the board of education shall adopted a resolution imposing and levying an ad valorem tax upon all the real and personal property subject to taxation and assessed by said city for general purposes at a rate not exceeding One Dollar on the One Hundred Dollars assessed valuation of said property as above provided, as shall, in the opinion of said board, be necessary to produce in that year the total estimated sum necessary to be raised to support and maintain the public schools of the city, less the estimated sum to be received from the State common school fund, and shall also levy a tax for sinking fund purposes, and said resolution shall be forthwith certified under the seal of said board of education to the general council or board of commissioners of said city, and said levy at the rate so fixed and certified shall be by said general council or board of commissioners added to and included in the regular tax bills of the city, containing the ordinary levy and shall be collected with the same, by the same officers, and in the same manner and at the same time, as the ordinary taxes for said city are collected by the collecting officer of the city, and all powers and duties conferred upon and required of officers in collecting the ordinary city taxes are hereby conferred upon and required of them in collecting the taxes levied by the

board of education, and such collecting officer or officers, and his or their sureties, shall be severally liable under their official bonds for any failure in the performance of their duties on which bond or bonds, suit or suits may be brought for the use of said board and recovery had for such amount or amounts as shall be found due from such officer or officers. As and when said taxes are collected the city treasurer, or collecting officer, of said city, shall promptly pay the same to the treasurer of the board of education, taking the receipts of said treasurer for the sum so paid, which shall be a full acquittance of said treasurer therefor, and said board of education shall, under its seal, certify to the general council or board of commissioners the name and location of its treasurer and of any change in said name or location. Provided, however, that the limitations hereinbefore prescribed of the tax that may be levied for school purposes shall not apply where a bonded indebtedness has been incurred for public school purposes, and when such an indebtedness has been incurred that there may be levied in addition to the tax hereinbefore authorized an annual ad valorem tax sufficient to pay the interest on said indebtedness and also to constitute a sinking fund for the payment of the principal thereof. The provisions hereof shall apply to any bonded indebtedness whether heretofore or hereafter created.

3235a-28. Whenever the board of education shall deem it necessary for the proper accommodation of the schools of such city to acquire or enlarge sites for school buildings, to erect, improve, remodel, rebuild or restore buildings for high school or for any other school purpose or for any or all these purposes, and the annual funds raised from other sources are not sufficient to accomplish said purpose or purposes, said board shall make careful estimate of the probable amount of money required for such purposes and it shall certify to the general council or board of commissioners of said city the fact that an election for an issue of bonds for school improvement shall be held, together with the amount of money

for which bonds shall be issued and the purpose or purposes to which the proceeds thereof shall be applied. It shall thereupon be the duty of the general council or board of commissioners to adopt an ordinance submitting to the qualified voters of the city at the next regular election the question whether bonds of the city shall be issued for the purpose or purposes aforesaid. The bonds so issued shall be designated as "school improvement bonds," and the ordinance shall fix the time the bonds shall run, and if a serial issue, then the amount to mature at each time, and limit the rate of interest which will be permitted on said bonds and the total amount of bonds to be issued, and provide for the levy of a tax to pay the interest and to either redeem the bonds as they mature or provide for the accumulation of a sinking fund to retire them at their maturity. The question when submitted shall be so framed that the voter may by his vote answer for or against such proposition.

The total outstanding issue of bonds for school purposes, including bonds already issued, shall never exceed three and one-half (3½%) per centum of the value of the taxable property of the city, to be estimated by the assessment next before the last assessment previous to the incurring of the indebtedness.

If the voters of the city shall determine by a two-thirds majority of those voting that such bonds shall be issued, they shall, when so issued, be placed under the control of the board of education, who shall determine when and at what price and how they shall be sold, and the date, number of bonds, denominations, whether coupon or registered, the rate of interest and frequency of payment thereof, place of payment of principal and interest and any other details it desires embodied in the bonds or in the ordinance providing for their issue, and shall certify same to the governing body of said city, who shall at once adopt an ordinance in conformity therewith and cause the bonds to at once be prepared and executed and turned over to the board of education for sale and de-

livery; provided, that no such bonds shall be sold for less than par; nor bear a greater rate of interest than six (6%) per centum per annum; and provided, further, that any premium which may be obtained from said bonds shall constitute a part of the sinking fund for their ultimate retirement. As the bonds are sold their proceeds shall be placed to the credit of the board in the same depository which is selected for its other funds, but shall be kept in a separate account and shall be used only for the purpose for which the bonds were issued.

It shall be the duty of the general council or of the commissioners, in addition to the levy made for the maintenance of the schools as herein provided, to levy annually in its tax levy a rate that will raise a sum that shall be sufficient to pay the interest and create a sinking fund for the payment of the bonds at maturity. The said bonds, principal and interest, shall be a charge upon the sinking fund of said city, and it shall be entitled to have the annual tax that shall be levied for payments of such bonds or interest as aforesaid.

All laws or parts of laws in conflict with this act are, to the extent of such conflict, hereby repealed.

For the reason that second class cities in this Commonwealth must lay their levies for school purposes for the school year 1925-1926 within the month of March, 1926, and certain of said cities will not have sufficient revenue to conduct a full term of school in said cities during said school year unless they can increase their levy for said year, an emergency is declared to exist and this bill shall become a law upon its passage and approval by the Governor.

Mr. Berry offered the following Amendment to said Substitute, viz:

"Amend H. B. 10 by inserting after the word 'city' in line 22 of page 2 of the substitute bill, the following:

"This consent of the Board of City Commissioners of General Council shall be for a period not longer than the

ending of the fiscal year June 30, 1928. Thereafter to obtain the above mentioned extra levy a vote of the people shall be necessary and this question shall be submitted to the people in the same manner as now provided by law for the submission of school bond issues to the people, except that the above mentioned submission shall require only a majority of the votes cast for its adoption.''

Said Amendment was adopted.

Mr. Rogers offered the following Amendment to the said Substitute, viz:

''Amend H. B. 10 by inserting after the word 'mentioned' in line 22 of page 2 of the substitute bill, the following: 'of the Board of Commissioners or General Council or people.' ''

Said Amendment was adopted.

Mr. Meyers offered the following Amendment to said Substitute, viz:

''Amend H. B. 10 by inserting after the word 'and' in line 1 of page 3 of the substitute bill, the following: 'the Board of Education.' ''

Said Amendment was adopted.

Mr. Ryan offered the following Amendment to said Substitute, viz:

''Amend H. B. 10 by inserting after the word 'bonds' in line 5 of page 6 of the substitute bill the following: 'which shall be on the serial redemption plan.' ''

Said Amendment was adopted.

Mr. Ryan offered the following Amendment to said Substitute, viz:

"Amend H. B. 10 by striking out after the word 'and' in line 6 of page 6 of the substitute bill the following: 'if a serial issue, then.' "

Said Amendment was adopted.

Mr. Pulliam offered the following Amendment to said Substitute, viz:

"Amend H. B. 10 by striking out in line 17 of page 6 of the substitute bill the following: 'three and one-half (3½%),' and inserting in lieu thereof the following: 'three (3%).' "

Said Amendment was adopted.

Mr. Cushing offered the following Amendment to said Substitute, viz:

"Amend H. B. 10 by inserting after line 3 of page 8 of the substitute bill the following paragraph:

'This act shall be liberally construed, and if any section, provision, or paragraph thereof shall be declared unconstitutional, the invalidity of such section, provision, or paragraph shall not affect the remaining sections, provisions or paragraphs of this act; and it is declared to be the legislative intent to enact provisions and sections of this act separately.' "

Said Amendment was adopted.

Said Substitute, as amended, was then adopted.

At the hour of twelve o'clock Mr. Strange moved that the House do now recess for one hour.

The hour of one o'clock P. M. having arrived, the Speaker resumed the Chair and called the House to order.

The House resumed consideration of a bill entitled:

H. B. 10. An Act amending and re-enacting section 3235a-28, Carroll's Kentucky Statutes, 1918 edition, and 3235a-26 of Supplement of 1922 edition of Carroll's Kentucky Statutes, which is Chapter 52, page 174, Acts of 1922, approved March 23, 1922 regulating to power to purchase site, issue of improvement bonds to be submitted to the people and provisions concerning bonds relating to duties and powers and incurring indebtedness and relating to the rate of taxation and time the same is to be effective.

With an Amendment thereto by way of Substitute therefor.

Ordered that said bill be engrossed and read the third time.

The Constitutional provisions as to the third reading of said bill at length being dispensed with and the same being engrossed, it was read the third time by its title and passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

W. B. Ardery	A. J. Baldridge	Shaler Berry
Wm. J. Arvin	J. H. Baughman	C. H. Berryman
W. O. Bach	T. H. Benton	W. P. Bowman

D. F. Brown	J. F. Harrison	B. T. Morris
Geo. A. Brown	C. W. Hawkins	L. P. Murphy
J. R. Buckman	J. M. Hayse	Chas. N. McCarty
W. G. Buckner	Goebel B. Henson	J. L. McDavid
S. J. Bunger	H. M. Holbrook	W. J. McGill
W. A. Carson	H. B. Holland	F. T. Nichols
C. B. Carver	S. K. Holland	Caleb Page
Lee Clark	Ira L. Horne	Smith Park
Lonnie Cooper	J. C. Hutcherson	J. J. Patterson
Fred H. Coots	E. M. Johnson	Jas. J. Peters
J. D. Cox	Grover C. Johnson	Geo. W. Potter
J. S. Cruse	W. W. Johnson	W. H. Pryor
W. J. Curtis	D. C. Jones	H. A. Pulliam
J. L. Cushing	Mrs. H. G. Jorris	R. R. Rogers
C. L. Daly	W. O. Keller	Philip J. Ryan
Mormon B. Daniel	J. R. Kelly	C. W. Ryans
J. R. Dorman	Thos. H. King	Chas. L. Seale
E. J. Doss	W. W. Leslie	M. G. Slusher
James M. Durham	Leon P. Lewis	E. J. Snyder
J. O. Evans	J. L. Manning	Frank L. Strange
D. W. Fowler	Joe Martin	J. G. Swearengin
Otto C. Gartin	Shelby Martin	Mac Swinford
R. E. Glenn	A. M. Mercer	J. L. Valandingham
C. C. Givens	H. J. Meyers	Chiles Van Antwerp
F. A. Gnau	H. H. Miller	C. D. Vincent
Whitsett Hall	J. S. Milliken	W. S. Wallen
Lawrence Harmon	T. R. Moore	T. B. Watts

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Resolved that the title thereof be as aforesaid.

Mr. Meyers moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the day, a bill entitled:

H. B. 53. An Act to amend and re-enact Sections 3235e-2, Subsection 3, and 3235e-4, subsection 3, of the Kentucky Sta-

tutes, Carroll's 1922 Edition, relating to teachers' insurance and annuity funds of cities of the second class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 3235e-2, Sub-Section 3, Kentucky Statutes, Carroll's 1922 edition, be amended and re-enacted so that said section so amended and re-enacted, shall read as follows:

"After the board of education of a city of the second class has provided for the payment of One Thousand ($1,000.00) Dollars yearly or more and the board of commissioners of said city of the second class has levied a tax of one cent on every hundred dollars' worth of taxable property of such city for the maintenance of an insurance and annuity fund for the teachers in the public schools of said city; then one per centum of the salaries of all teachers of the public schools of such city who have been engaged in teaching in said public schools for ten years or under, and two per centum of the salaries of all teachers who have been engaged in teaching more than ten years, shall be withheld and added to the fund, provided that no payment shall exceed forty dollars per annum. The treasurer of the board of education of such city, shall deduct, monthly from the salary of every teacher the amount provided for in such schedule, which amount shall be turned monthly into said insurance and annuity fund.

After the passage and adoption of this act each contract made with teachers by the board of education of such city shall specify that the sums in this paragraph provided shall be deducted from each and every teacher's salary. Any teacher who shall retire, or who shall be retired from service as teacher, and who shall not be in receipt of or entitled to an annuity under this act, shall have refunded to him or her three-fourths of the amount, without interest, which he or she has contributed to the insurance and annuity fund. If

such teacher shall again teach in public schools and shall, within a time specified by the board of insurance and annuity, repay to said fund the amount so returned to such teacher, together with simple interest on said amount (not to exceed four per centum per annum), such teacher shall, upon returning to regular school work, receive credit for past years of service. In the event of the death of any teacher entitled to the provisions of this act, the annuity of said teacher shall be paid to the dependent member or members of the deceased family for a period of two years."

That Section 3235e-4, Sub-Section 3, Kentucky Statutes, Carroll's 1922 edition, be amended and re-enacted so that said section so amended and re-enacted shall read as follows:

"The annuity of any teacher retired under the provisions of this Act, after twenty-five years employment, shall be thirty per centum of his or her average contractual salary for the last five years before retirement, and two per centum of his or her average contractual salary for the last five years before retirement for each and every year of employment in excess of twenty-five years; provided, however, that unless otherwise specified, no annuity shall be more than fifty per centum of a teacher's average constractual salary for the past five years before retirement; and provided further, that no annuity granted under the provisions of this act shall be more than eight hundred ($800.00) dollars unless in the discretion of the board the annuity may be increased, but in no event shall said annuity be more than twelve hundred ($1,200.00) dollars."

Mr. Berry offered the following Amendments to said bill, viz:

"Amend H. B. 53 by adding after the word 'teacher' in lines 9-10-12-16-20-22-23-26-29-30-32-33-37-44 of printed bill the words 'or other employes of the school Board.' "

Amend H. B. 53 by adding after the word "teaching" in line 11 of printed bill the words "or other service."

Amend H. B. 53 by adding after the word "teach" in line 27 of printed bill the words "or be employed."

Amend H. B. 53 by adding after the word "teaching" in line 13 of printed bill the words "or other employment."

Amend H. B. 53 by adding after the word "teacher's" in line 22 of the printed bill the words "or other employee's."

Said Amendments were each and severally adopted.

Ordered that said bill be engrossed and read the third time.

The Constitutional provisions as to the third reading of said bill at length being dispensed with and the same being engrossed, it was read the third time by its title and passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Wm. J. Arvin	Lee Clark	F. A. Gnau
W. O. Bach	Fred H. Coots	Whitsett Hall
A. J. Baldridge	J. D. Cox	Lawrence Harmon
J. H. Baughman	J. S. Cruse	J. F. Harrison
T. H. Benton	W. J. Curtis	C. W. Hawkins
Shaler Berry	J. L. Cushing	J. M. Hayse
C. H. Berryman	C. L. Daly	Goebel B. Henson
W. P. Bowman	Mormon B. Daniel	H. M. Holbrook
D. F. Brown	E. J. Doss	H. B. Holland
Geo. A. Brown	D. E. Edwards	S. K. Holland
F. W. Bryant	J. O. Evans	Ira L. Horne
J. R. Buckman	D. W. Fowler	J. C. Hutcherson
W. G. Buckner	Otto C. Gartin	Grover C. Johnson
S. J. Bunger	R. E. Glenn	W. W. Johnson
W. A. Carson	C. C. Givens	D. C. Jones

Mrs. H. G. Jorris	L. P. Murphy	Philip J. Ryan
W. O. Keller	Chas. N. McCarty	C. W. Ryans
J. R. Kelly	J. L. McDavid	Chas. L. Seale
Thos. H. King	W. J. McGill	M. G. Slusher
W. W. Leslie	F. T. Nichols	E. J. Snyder
Leon P. Lewis	Caleb Page	Frank L. Strange
J. L. Manning	Smith Park	J. G. Swearengin
Joe Martin	J. J. Patterson	Mac Swinford
A. M. Mercer	Jas. J. Peters	J. L. Valandingham
H. J. Meyers	Geo. W. Potter	Chiles Van Antwerp
H. H. Miller	W. H. Pryor	C. D. Vincent
J. S. Milliken	H. A. Pulliam	W. S. Wallen
T. R. Moore	Clint Raymer	T. B. Watts
B. T. Morris	R. R. Rogers	

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Resolved that the title thereof be as aforesaid.

Mr. Cushing moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 61. An Act to amend and re-enact Section 3142b-3 of the Edition of the Kentucky Statutes, compiled and edited by John D. Carroll.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 3142b-3 of the Edition of the Kentucky Statutes compiled and edited by John D. Carroll, be amended and re-enacted so that it shall read as follows:

"There shall be organized in connection with the said police and fire departments a board to be known as the board of trustees of the police and firemen's pension fund, which shall be composed of the mayor of the city, city treasurer, fire chief, police chief, one member of the fire department and one member of the police department, and said board shall elect from their number a president and secretary. Upon the taking effect of this act and annually thereafter, the members respectively of the fire and police department shall each elect by ballot from among their number, a member of said board who shall serve for one year and until their respective successors are elected and qualified. The city treasurer shall be *ex officio* treasurer of said board and custodian of its funds."

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Wm. J. Arvin	W. A. Carson	D. W. Fowler
W. O. Bach	Lee Clark	Otto C. Gartin
A. J. Baldridge	W. E. Clark	R. E. Glenn
J. H. Baughman	Fred H. Coots	C. C. Givens
W. B. Belknap	J. D. Cox	F. A. Gnau
T. H. Benton	J. S. Cruse	Whitsett Hall
C. H. Berryman	W. J. Curtis	Lawrence Harmon
W. P. Bowman	J. L. Cushing	J. F. Harrison
D. F. Brown	C. L. Daly	C. W. Hawkins
Geo. A. Brown	Mormon B. Daniel	J. M. Hayse
F. W. Bryant	J. R. Dorman	Goebel B. Henson
J. R. Buckman	E. J. Doss	H. M. Holbrook
W. G. Buckner	James M. Durham	H. B. Holland
S. J. Bunger	J. O. Evans	S. K. Holland

Ira L. Horne	H. J. Meyers	W. H. Pryor
J. C. Hutcherson	H. H. Miller	H. A. Pulliam
E. M. Johnson	J. S. Milliken	Clint Raymer
Grover C. Johnson	T. R. Moore	R. R. Rogers
W. W. Johnson	B. T. Morris	Philip J. Ryan
D. C. Jones	L. P. Murphy	C. W. Ryans
Mrs. H. G. Jorris	Chas. N. McCarty	Chas. L. Seale
W. O. Keller	J. L. McDavid	M. G. Slusher
J. R. Kelly	W. J. McGill	E. J. Snyder
Thos. H. King	F. T. Nichols	Frank L. Strange
W. W. Leslie	Caleb Page	J. G. Swearengin
Leon P. Lewis	Smith Park	Chiles Van Antwerp
J. L. Manning	J. J. Patterson	C. D. Vincent
Joe Martin	Jas. J. Peters	W. S. Wallen
A. M. Mercer	Geo. W. Potter	T. B. Watts

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Resolved that the title thereof be as aforesaid.

Mr. Cushing moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 33. An Act entitled "An Act changing the name of 'Poorfork, Harlan County, Kentucky' to that of 'Cumberland, Harlan County, Kentucky.'"

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. "That the name of the town of Poorfork, Harlan County, Kentucky, be and the same is now changed to that of Cumberland, Harlan County, Kentucky."

Ordered that said bill be read the third time.

The Constitutional provisions as to the third reading of said bill at length being dispensed with it was read the third time by its title and passed.

The yeas aud nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Wm. J. Arvin	D. W. Fowler	J. S. Milliken
W. O. Bach	Otto C. Gartin	T. R. Moore
A. J. Baldridge	R. E. Glenn	B. T. Morris
J. H. Baughman	C. C. Givens	L. P. Murphy
T. H. Benton	F. A. Gnau	Chas. N. McCarty
Shaler Berry	Whitsett Hall	J. L. McDavid
C. H. Berryman	Lawrence Harmon	W. J. McGill
W. P. Bowman	J. F. Harrison	F. T. Nichols
D. F. Brown	C. W. Hawkins	Caleb Page
Geo. A. Brown	Goebel B. Henson	Smith Park
F. W. Bryant	H. M. Holbrook	J. J. Patterson
J. R. Buckman	H. B. Holland	Jas. J. Peters
W. G. Buckner	S. K. Holland	Geo. W. Potter
S. J. Bunger	Ira L. Horne	W. H. Pryor
W. A. Carson	J. C. Hutcherson	H. A. Pulliam
C. B. Carver	E. M. Johnson	Clint Raymer
Lee Clark	Grover C. Johnson	Philip J. Ryan
Lonnie Cooper	W. W. Johnson	C. W. Ryans
Fred H. Coots	D. C. Jones	Chas. L. Seale
J. D. Cox	Mrs. H. G. Jorris	M. G. Slusher
J. S. Cruse	W. O. Keller	E. J. Snyder
W. J. Curtis	J. R. Kelly	Frank L. Strange
J. L. Cushing	Thos. H. King	J. G. Swearengin
C. L. Daly	W. W. Leslie	Mac Swinford
Mormon B. Daniel	Leon P. Lewis	J. L. Valandingham
J. R. Dorman	J. L. Manning	Chiles Van Antwerp
E. J. Doss	Joe Martin	C. D. Vincent
James M. Durham	A. M. Mercer	W. S. Wallen
D. E. Edwards	H. J. Meyers	T. B. Watts
J. O. Evans	H. H. Miller	

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Resolved that the title thereof be as aforesaid.

Mr. Jones moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 58. An Act repealing Section 3783 of the Kentucky Statutes as amended March 23, 1920, Chapter 80, page 376, and as further amended March 22, 1922, Chapter 44, page 159, of the Acts of 1922, said Act relating to patrols and re-enacting same.

Mr. Cushing moved that said bill be recommitted with leave to report at any time.

Mr. H. B. Holland of the Committee on Enrollments reported that they had examined and found correctly enrolled resolutions of the following titles, viz.:

S. Res. 1. Resolution providing for extra help for the Senate.

S. Res. 2. Resolution providing for extra help for the Lieutenant Governor and Chief Clerk of the Senate.

S. Res. 3. Resolution providing for expense money for Chief Clerk of the Senate and House of Representatives.

S. Res. 4. Resolution to provide purchase of Statutes, Codes and Acts for House of Representatives and Senate.

Whereupon all other business was suspended, said reso-

lutions were read at length and compared in open House, and were found to be correctly enrolled.

Thereupon the Speaker of the House of Representatives, in open session and in the presence of the House, affixed his signature thereto.

Ordered that said resolutions be delivered to the Enrolling Clerk.

A message was received from the Senate announcing that they had passed bills of the following titles viz.:

1. S. B. 23. An Act to amend Section 1159 of the Kentucky Statutes, Carroll's Edition 1922 relating to burglary, robbery and having in possession burglarious tools.

2. S. B. 46. An Act to repeal Chapter 138 of the Acts of 1924, relating to real estate agents in cities of the first and second class.

3. S. B. 4. An Act repealing Section 3783 of the Kentucky Statutes as amended March 23, 1920, Chapter 80, page 376, and as further amended March 22, 1922, Chapter 44, page 159, of the Acts of 1922, said Act relating to patrols and reenacting same.

Said bills were ordered printed and referred as follows, viz.:

1, 2, 3, to Committee on Kentucky Statutes.

Mr. Jones moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

WEDNESDAY, JANUARY 27, 1926.

The House was opened with prayer by the Reverend J. Howard Gibbons of the Protestant Episcopal Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

W. B. Ardery	James M. Durham	H. H. Miller
Wm. J. Arvin	D. E. Edwards	J. S. Milliken
W. O. Bach	J. O. Evans	T. R. Moore
A. J. Baldridge	D. W. Fowler	B. T. Morris
J. H. Baughman	R. E. Glenn	L. P. Murphy
L. D. Bax	C. C. Givens	Chas. N. McCarty
T. H. Benton	F. A. Gnau	J. L. McDavid
Shaler Berry	Whitsett Hall	W. J. McGill
C. H. Berryman	Lawrence Harmon	F. T. Nichols
W. P. Bowman	J. F. Harrison	Smith Park
D. F. Brown	C. W. Hawkins	Clint Raymer
Geo. A. Brown	Goebel B. Henson	Geo. W. Potter
F. W. Bryant	H. M. Holbrook	W. H. Pryor
J. R. Buckman	H. B. Holland	H. A. Pulliam
W. G. Buckner	Ira L. Horne	Clint Raymer
S. J. Bunger	J. C. Hutcherson	R. R. Rogers
W. A. Carson	E. M. Johnson	Philip J. Ryan
C. B. Carver	Grover C. Johnson	C. W. Ryans
Lee Clark	W. W. Johnson	Chas. L. Seale
Lonnie Cooper	D. C. Jones	M. G. Slusher
Fred H. Coots	Mrs. H. G. Jorris	Frank L. Strange
J. D. Cox	W. O. Keller	J. G. Swearengin
J. S. Cruse	J. R. Kelly	Mac Swinford
W. J. Curtis	Oscar Leibson	J. L. Valandingham
J. L. Cushing	W. W. Leslie	Chiles Van Antwerp
C. L. Daly	Leon P. Lewis	C. D. Vincent
Mormon B. Daniel	J. L. Manning	W. S. Wallen
J. R. Dorman	Joe Martin	T. B. Watts
E. J. Doss	A. M. Mercer	

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. Berry moved that a leave of absence be granted to Mr. S. K. Holland.

Said motion was agreed to.

Mr. Rogers moved that a leave of absence be granted to Mr. Page.

Said motion was agreed to.

Mr. Clark moved that a leave of absence be granted to Mr. King.

Said motion was agreed to.

Mr. Milliken moved that J. L. Vallandingham, Jr., be made an Honorary Page of this House.

Said motion was agreed to.

The Speaker laid before the House the following announcement, viz.:

The Governor and Mrs. Fields will give a reception at the Executive Mansion on Thursday evening from eight to eleven-thirty o'clock, in honor of the members of the General Assembly and their wives.

The State officials, their wives, the members of the Court of Appeals and their wives will assist the Governor and Mrs. Fields in receiving the guests.

Upon a call of the Counties and Representative Districts, the following bills were introduced, ordered printed and referred as follows, viz.:

By Mr. Miller:

H. B. 254. An Act relating to roads and highways.

To Committee on Roads and Highways No. 2.

By Mr. W. W. Johnson:

H. P. 255. An Act establishing a new primary road project to be known as Project No. — beginning at Webbville on Project No. 43 in Lawrence County and extending to a point on Project No. 49 near Blaintown in Lawrence County.

To Committee on Roads and Highways No. 2.

By Mr. Bryant:

H. B. 256. An Act relating to roads and bridges and establishing a new project to be a part of the new Primary Road System from Irvine to Winchester.

To Committee on Roads and Highways No. 2.

By Mr. Mercer:

H. B. 257. An Act regulating the certification and approval of claims against the State Treasury originating in the circuit courts of the Commonwealth and providing for the payment thereof.

To Committee on Claims.

By Mr. Swearengin:

H. B. 258. An Act to repeal and re-enact Chapter 60, Acts of General Assembly 1906, same relating to publication of financial reports by Fiscal Courts.

To Committee on County and City Courts.

By Mr. Fowler:

H. B. 259. An Act relating to the primary system of state highways of the Commonwealth of Kentucky as defined in Section 5 of Chapter 17 of the Acts of 1920, as amended by the Acts of 1922 and by the Acts of 1924 and providing for the apportioning and expending of the funds collected for state highway purposes; providing for the order in which such highways shall be constructed; that such funds when so apportioned shall not be used for any purpose other than for which it is apportioned; providing for construction of roads by contract or by labor by the highway commission; providing that any contract or warrant issued or money paid out in violation hereof shall be null and void and requiring publication of the apportionment and expenditure of the road funds and providing for the completion of the State highway system of roads.

To Committee on Roads and Highways No. 1.

By Mr. Lewis:

H. B. 260. An Act to provide for the submission to the voters of this State of a constitutional amendment permitting in the future the submission of a greater number than two amendments to be voted on at one time.

To Committee on Constitutional Amendments.

By Mr. Watts:

H. B. 261. An Act to increase the daily compensation of members of the General Assembly and presiding officers of the Senate and House of Representatives.

To Committee on Appropriations No. 2.

By Mr. Rogers:

H. B. 262. An Act to limit the powers of Public Health Boards, and to prohibit discrimination against persons not vaccinated or otherwise inoculated or medicated, and to repeal any and all acts or parts of acts conflicting herewith.

To Committee on Criminal Law.

By Mr. Cushing:

H. B. 263. An Act to amend Section 1840 Kentucky Statutes, and amendment thereto, relative to jurisdiction and powers generally of the Fiscal Court.

To Committee on County and City Courts.

By same:

H. B. 264. An Act providing for a minimum standard of hygiene and safety in workshops, factories and other places of employment designed for the protection of health and preventing of accidents to employees working in such places of employment, providing for administration and enforcement and for penalties for violation thereof.

To Committee on Public Safety.

By same:

H. B. 265. An Act to amend and re-enact Section 3124b-4 of the edition of the Kentucky Statutes, compiled and edited by John D. Carroll.

To Committee on Cities Second and Third Class.

By Mr. Buckner:

H. B. 266. An Act to repeal and re-enact Section 273 of the Criminal Code of Practice, sixth edition, 1919, edited by

John D. Carroll, relating to motion and grounds for new trial.

To Committee on Codes of Practice.

By Mr. Daly:

H. B. 267. An Act relating to revenue and taxation, providing for corporation license tax for certain corporations, providing the manner of making reports and of determining the amount of tax and the manner of paying same, prescribing penalties and repealing existing statutes.

To Committee on Corporate Institutions.

By Mr. Harmon:

H. B. 268. An Act whereby the sense of the qualified voters of any county in the State may be taken upon the question whether or not the provisions of an act of the General Assembly of the Commonwealth of Kentucky, passed at the 1918 session thereof, and which became a law March 28, 1918, and being Chapter 112 of said session acts, and now Sections 68b-1 to 68b-37 inclusive Kentucky Stautes (Carroll's 1922) shall prevail in such county.

To Committee on Agriculture.

By Mr. Peters:

H. B. 269. An Act providing a manner and method of taking and preserving bail, supersedeas and replevin bonds executed to the Commonwealth of Kentucky.

To Committee on Codes of Practice.

By same:

H. B. 270. An Act establishing and making the road leading from Springfield, via Willisburg to Lawrenceburg, Kentucky, a part of the primary system of State Highways of the Commonwealth of Kentucky, and designating said road as Project No. .....

To Committee on Roads and Highways No. 2.

By Mr. Martin:

H. B. 271. An Act relating to the payment of County Tax Commissioners.

To Committee on Kentucky Statutes.

By Same:

H. B. 272. An Act adding another road project in Metcalfe and Monroe Counties.

To Committee on Roads and Highways No. 2.

By Mr. Hawkins:

H. B. 273. An Act to amend Chapter 17 of the Acts of the General Assembly of 1920, relating to roads and bridges.

To Committee on Roads and Highways No. 2.

By Mr. Murphy:

H. B. 274. An Act to amend Section 5, Project 32 of Chapter 17, of the Acts of the General Assembly of 1920, now project 32, under Section 4356t-5 of Carroll's 1922 Edition of the Kentucky Statutes and as amended by Chapter 234, of the Acts of the General Assembly of 1924, relating to establishing and designing a primary system of State highways and providing for their construction and maintenance.

To Committee on Roads and Highways No. 2.

By Mr. Peters:

H. B. 275. An Act to give to supersedeas bonds executed upon appeals to the Court of Appeals and upon appeals to the circuit court the force and effect of a judgment, and to provide a means of collection of certain costs, revenues, and fines and penalties due to the Commonwealth of Kentucky.

To Committee on Court of Appeals.

By Mr. Swearengen:

H. B. 276. An Act to amend and re-enact section 4851 of the Kentucky Statutes, Carroll's Edition of 1915 permitting the hiring out of prisoners committed to workhouses.

To Committee on Kentucky Statutes.

By Mr. McGill:

H. B. 277. An Act to fix the venue of actions for or against the Commonwealth of Kentucky, or the state officers or for any agency of the Commonwealth of Kentucky, and to repeal all laws in conflict.

To Committee on Judiciary.

The Committees to which same had been referred, reported bills of the following titles, viz.:

By Mr. Wallen of the Committee on Appropriation No. 2:

H. B. 139. An Act to appropriate $10,000 for the purpose of building a road from the public highway to the Perryville Battlefield and to provide for the erection of a Care-

taker's House thereon, and to provide for the maintenance and improvement of the monument and surrounding grounds.

Without an expression of opinion.

By Mr. Buckman of the Committee on Cities Fifth and Sixth Classes:

H. B. 93. An Act to amend Section 3642 of the Kentucky Statutes, Carroll's 1915, relating to violation of city ordinances and that all fines and forfeitures shall go to the city of the fifth and sixth classes.

By Mr. Clark of the Committee on Insurance, Fire and Marine:

H. B. 140. An Act to limit the amount of Commission to be charged by and paid to fire insurance agents doing business in this State at not exceeding 25% of the premium charged and fixing the penalty for the violation of this act.

By same:

H. B. 141. An Act to provide for licensing of non-resident brokers and fixing penalty for violation thereof.

By same:

H. B. 142. An Act to amend and re-enact Section 717 of the Kentucky Statutes, John D. Carroll's 1915 Edition, relating to the examination and assessment of fire insurance companies.

By same:

H. B. 165. An Act to amend and re-enact section 723 of the Kentucky Statutes, Carroll's Sixth Edition of 1922, being

an Act of the General Assembly of the Commonwealth of Kentucky entitled "An Act to authorize fidelity and guarantee companies of other States to transact surety business in the State of Kentucky," approved April 14, 1892.

By Mr. Hawkins of the Committee on Cities of the Fourth Class:

H. B. 71. An Act regulating the time of holding Justices Courts in cities of the fourth class in this Commonwealth.

Without an expression of opinion.

By same:

H. B. 126. An Act to repeal and re-enact Section 3563 of Carroll's 1922 Edition of the Kentucky Statutes as amended by Chapter 97 of the Acts of the General Assembly of Kentucky of 1924, Sections 3570 and 3574 of Carroll's 1922 Edition of the Kentucky Statutes, relating to the control and improvement of public streets, alleys, sidewalks, roads, lanes, avenues, highways and thoroughfares, in cities of the fourth class.

By Mr. Ryan of the Committee on Kentucky Statutes:

H. B. 94. An Act to amend and re-enact both the title to and the act itself of an act entitled "An Act relating to registration for elections in cities and towns having a population of 5,000 inhabitants or more," so that said title will read "An Act relating to registration of voters for elections in all cities and towns of the first, second, third and fourth classes in this Commonwealth, and the body of the act will read as set out herein.

By same:

H. B. 91. An Act to amend and re-enact Section four thousand eight hundred and twenty-one of Carroll's Kentucky

Statutes, one thousand nine hundred and twenty-two Edition, relating to weights and measures.

By Mr. Berry of the Committee on Municipalities:

H. B. 101. An Act to amend and re-enact Section 5 of an act entitled "An Act to provide for the establishment and maintenance in counties which contain a city of the first class, of a hospital for the treatment of persons affected with tuberculosis," approved March 17, 1906, as amended by an Act approved March 14, 1912.

By same:

H. B. 64. An Act to enable cities of all classes to adopt and operate under the city manager form of government, and amending sections 3235c-1, 3235c-2 and 3235c-3 of Carroll's Kentucky Statutes, relating to municipalities of all classes.

With Committee Amendments thereto.

By Mr. Mercer of the Committee on Revenue and Taxation No. 2:

H. B. 117. An Act relating to revenue and taxation, fixing annual tax rate on unmanufactured agricultural products.

With an Amendment thereto by way of Substitute therefor.

With the expression of opinion that said bills ought to pass.

Said bills were severally read at length the first time and ordered to be placed on the Calendar.

Mr. H. B. Holland of the Committee on Enrollment reported that they had examined and found to be correctly enrolled, a resolution of the following title, viz:

S. Res. 6. Resolution protesting against passage of a provision by the Congress of the United States.

Whereupon all other business was suspended. Said resolution was read at length and compared in open House and was found to be correctly enrolled.

Thereupon, the Speaker, in open session and in the presence of the House affixed his signature thereto.

Ordered that said bill be delivered to the Enrolling Clerk of the Senate.

Mr. Cushing moved that the Rules be suspended and that the House proceed to the consideration of the Calendar and the orders of the day.

Said motion was agreed to.

Thereupon the House took up for consideration from the Calendar, bills of the following titles, viz:

H. B. 22. An Act to regulate the sale of fruit tree vines, shrubs or plants by non-residents, requiring the execution of bond and providing a penalty for its violation.

With an amendment thereto.

H. B. 13. An Act to safeguard the distribution and sale of certain dangerous caustic or corrosive acids, alkalis or other substances in the Commonwealth of Kentucky.

H. B. 65. An Act amending Section 2380b-40 of Carroll's Kentucky Statutes and otherwise relating to the drainage and reclamation of lands and the collection of taxes for drainage districts and public ditches.

H. B. 65. An Act to require a driver of any vehicle on a public highway, on approaching railway and interurban grade crossings, outside of cities and incorporated towns, to stop, look and listen, before passing thereover, and to require Highway Commissioners to erect and maintain stop signs for such crossings; and to require railway and interurban companies to furnish and deliver said signs; and providing penalties for non-compliance to stop, look and listen.

H. B. 144. An Act to amend Article 12 Section 1150, Subsection 19, Carroll's Kentucky Statutes, 1922, prescribing the qualifications of electors in Primary Elections.

H. B. 63. An Act to change and fix the time, place and terms of court in the 20th Judicial District.

H. B. 49. An Act to repeal and re-enact Chapter 59 of the Acts of the General Assembly of 1918 relating to Courts of Justice.

Ordered that said bills be read the second time.

The Constitutional provision as to the second reading of said bills at length being dispensed with, they were read the second time by their titles only.

Ordered that said bills be placed in the orders of the day.

The House took up for consideration from the orders of the day, a bill entitled:

H. B. 50. An Act to amend and re-enact Subsection A. of Section 2 of Chapter 90 of the Acts of the General Assembly of 1920, entitled: "An Act relating to vehicles, regulating their use and operation upon the public highways of this Commonwealth; providing for the registration and licensing of motor vehicles, fixing the amount of license, manner of payment thereof; providing for the registration and licensing of

operators of motor vehicles and the amount of such license; preventing illegal traffic in motor vehicles; providing a penalty for the violation of this Act;" so as to extend the time for the procurement of automobile license tags, and repealing any and all conflicting laws.

Mr. Watts moved that said bill be re-committed with leave to report at any time.

Said motion was agreed to.

The House took up for consideration from the orders of the day, a bill entitled:

H. B. 35. An Act to allow persons convicted of liquor law violations in inferior courts to execute peace bond before County Judge.

Said bill is as follews, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That from and after this act takes effect all persons convicted in a Magistrate's Court of a violation of Rash-Gullion Act, and required to execute a peace bond as provided by Section 18 of Chapter 33 of the Acts of 1922, shall be allowed to execute such bond before the County Judge of the County in which the offense was committed.

§ 2. That upon conviction of a person as herein set out, it shall be the duty of the Magistrate in whose Court the conviction was obtained, to certify a copy of the judgment of conviction to the County Judge of the County in which the offense was committed.

Mr. Jones offered the following Amendment to said bill, viz:

"Amend H. B. 35 by adding after the word 'court' on line 2, paragraph 1, the words 'or Police Court or any inferior Court.' "

Said Amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, and the same being engrossed, it was read the third time by its title and passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

W. B. Ardery	J. R. Dorman	Oscar Leibson
Wm. J. Arvin	E. J. Doss	W. W. Leslie
A. J. Baldridge	James M. Durham	Leon P. Lewis
J. H. Baughman	D. E. Edwards	J. L. Manning
L. D. Bax	D. W. Fowler	Joe Martin
W. B. Belknap	F. A. Gnau	Shelby Martin
T. H. Benton	Otto C. Gartin	A. M. Mercer
Shaler Berry	R. E. Glenn	H. J. Meyers
C. H. Berryman	C. C. Givens	H. H. Miller
W. P. Bowman	Whitsett Hall	J. S. Milliken
Geo. A. Brown	C. W. Hawkins	T. R. Moore
F. W. Bryant	J. F. Harrison	L. P. Murphy
J. R. Buckman	Lawrence Harmon	Chas. N. McCarty
W. G. Buckner	Goebel B. Henson	J. L. McDavid
S. J. Bunger	H. M. Holbrook	W. J. McGill
W. A. Carson	H. B. Holland	F. T. Nichols
C. B. Carver	E. M. Johnson	Smith Park
Lee Clark	W. W. Johnson	J. J. Patterson
Lonnie Cooper	D. C. Jones	Jas. J. Peters
Fred H. Coots	Mrs. H. G. Jorris	Geo. W. Potter
J. D. Cox	W. O. Keller	W. H. Pryor
J. L. Cushing	J. R. Kelly	Clint Raymer

R. R. Rogers	E. J. Snyder	Chiles Van Antwerp
Philip J. Ryan	Frank L. Strange	C. D. Vincent
C. W. Ryans	J. G. Swearengin	W. S. Wallen
Chas. L. Seale	Mac Swinford	T. B. Watts
W. R. Smith	J. L. Valandingham	

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Those who voted in the negative were—

W. O. Bach	Ira L. Horne	Grover C. Johnson
Mormon B. Daniel	J. C. Hutcherson	

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Resolved that the title thereof be as aforesaid.

Mr. Cushing moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Belknap moved that the session of today be extended indefinitely.

Said motion was agreed to.

The hour of twelve o'clock M. having arrived, Mr. Lee Clark moved that this House do now recess until one o'clock P. M.

Said motion was agreed to.

The hour of one o'clock P. M. having arrived, the Speaker resumed the Chair and called the House to order.

The House took up for consideration from the Orders of the day, a bill entitled:

H. B. 32. An Act authorizing the restoration to sound mind of persons who have been adjudged of unsound mind.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Whenever it shall appear to the County or Circuit Court, from an affidavit filed, in which any person has been adjudged of unsound mind that a person of unsound mind has been restored to his proper senses, or that the inquest was false or fraudulent the court shall forthwith direct the facts to be inquired into by a jury in open court, and make all necessary orders and decrees in the premises. If the jury shall find the person charged who has heretofore been found of unsound mind, to be of sound mind then the court shall enter an order and judgment restoring said person to his proper senses, and giving him all the rights and privileges of a person of sound mind.

§ 2. The proceedings instituted under this Act may be by an affidavit filed by the person under investigation, or by his next friend, and if the person so charged, has a committee the committee shall be notified of said proceedings by reasonable notice in writing, and the County Attorney shall also be notified of said proceedings.

§ 3. The proceedings for restoration of the person to sound mind, who has been found of unsound mind, shall be commenced and proceed in the Court in which he was adjudged of unsound mind, and both the Circuit and the County Court shall have jurisdiction to try cases under this act for the restoration of persons who have been adjudged of unsound mind, in their respective courts.

§ 4. Any party in interest shall have the right to appeal from the judgment of the County Court to the Circuit Court, and the Circuit Court shall hear the proceedings de novo.

§ 5. Whereas there is no adequate remedy for the restoration of persons, who have been adjudged of unsound mind, an emergency is declared to exist, and this Act shall

become a law and effective immediately upon its passage and approval.

Mr. Hawkins offered the following Amendment to said bill, viz:

Amend H. B. 32 by adding at the end thereof the following words: "Circuit Court shall have jurisdiction in all cases mentioned in this bill."

Said Amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provisions as to the third reading of said bill at length being dispensed with and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Wm. J. Arvin	S. J. Bunger	James M. Durham
W. O. Bach	W. A. Carson	D. E. Edwards
A. J. Baldridge	C. B. Carver	J. O. Evans
J. H. Baughman	Lee Clark	D. W. Fowler
L. D. Bax	Lonnie Cooper	Otto C. Gartin
W. B. Belknap	Fred H. Coots	R. E. Glenn
T. H. Benton	J. D. Cox	C. C. Givens
Shaler Berry	J. S. Cruse	F. A. Gnau
C. H. Berryman	W. J. Curtis	Whitsett Hall
W. P. Bowman	J. L. Cushing	J. F. Harrison
D. F. Brown	C. L. Daly	C. W. Hawkins
Geo. A. Brown	Mormon B. Daniel	H. M. Holbrook
J. R. Buckman	J. R. Dorman	H. B. Holland
W. G. Buckner	E. J. Doss	Ira L. Horne

J. C. Hutcherson	J. S. Milliken	Philip J. Ryan
E. M. Johnson	B. T. Morris	C. W. Ryans
Grover C. Johnson	L. P. Murphy	Chas. L. Seale
W. W. Johnson	Chas. N. McCarty	M. G. Slusher
D. C. Jones	J. L. McDavid	W. R. Smith
Mrs. H. G. Jorris	F. T. Nichols	E. J. Snyder
J. R. Kelly	Smith Park	Frank L. Strange
W. W. Leslie	J. J. Patterson	Mac Swinford
Leon P. Lewis	Jas. J. Peters	J. L. Valandingham
Joe Martin	Geo. W. Potter	Chiles Van Antwerp
Shelby Martin	W. H. Pryor	C. D. Vincent
A. M. Mercer	Clint Raymer	W. S. Wallen
H. H. Miller	R. R. Rogers	

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There voted in the negative—

W. J. McGill —1

Resolved that the title thereof be as aforesaid.

Mr. Brown moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 23. An Act to amend and re-enact Section 415b-6 Kentucky Statutes, relating to Confederate Soldiers entitled to pensions.

Mr. Vallandingham moved that said bill be recommitted with leave to report at any time.

Said motion was agreed to.

The House took up for consideration from the Orders of the day, a bill entitled:

H. B. 2. An Act to provide money for the maintenance and furnishing of a County Hospital, in counties having a city of the fifth class, and, in which there is established, in such county a Community Hospital; that is, a non-dividend paying Hospital, constructed by donation, or, endowment fund.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That chapter eighty-eight of the Acts of the General Assembly of one thousand nine hundred and twenty-four, which is entitled "An Act to amend and re-enact Sections one and two of Acts of General Assembly of one thousand nine hundred and twenty relating to county hospitals in counties and cities of the second, third, fourth and fifth classes, be and the same is hereby amended and re-enacted by adding thereto the following:

Section 3. In order to provide money for the maintenance and furnishing of a county hospital in counties having a city of the fifth class and in which there is established in such county a "Community Hospital" (that is a non-dividend paying hospital, constructed by donations, or endowment funds) the county board of Health existing under the laws of this Commonwealth in such county or counties embracing a city of the fifth class, is hereby authorized and it is hereby made its duty to make and enter into a contract with the governing authority of such "Community Hospital" for county purposes in such county until such time as a county hospital is authorized by vote of the people as follows:

It shall also be the duty of the county board of health of the counties embracing a city of the fifth class, on or before the first day of April, 1926, and each year thereafter, to contract with the governing authority of such community hospital for the support and maintenance of said hospital and to ascer-

tain and report to the fiscal court of such county, the estimated amount needed for such county hospital purposes for the next year; this annual budget shall be submitted in writing to the county clerk not less than ten days before the first day of April in each year, by the county board of health. And the county clerk shall present this annual budget to the fiscal court when it convenes to make the annual county levy. When this annual budget has been submitted to the fiscal court, it shall be the duty of the fiscal court to provide sufficient funds to pay said budget, by the levy and collection of a tax, of not exceeding five cents on the one hundred dollars, as a contribution for the county hospital purposes, and for the payment of the budget recommended and demanded by the county board of health as herein provided, and the same shall not be appropriated or used for any other purpose, during the life of the contract herein provided for. And when said funds are collected by the county treasurer he shall pay the same over to the treasurer or governing authorities of said hospital.

So that said act, when amended, shall read as follows:

§ 1. That the counties of the Commonwealth of Kentucky, containing cities of the second, third, fourth and fifth class are hereby authorized and empowered through the fiscal courts of said counties to establish and erect hospitals for the use of its citizens, and for that purpose said court may for said county acquire for said purpose by gift, purchase or lease or by condemnation any land or property situated wholly in said county where same is to be located, or any interest, franchise, easement, right or privilege therein which may be required for the purpose of construction, furnishing, maintaining or operating said public county hospital. The method of condemnation of said property to be the same as that provided for the condemnation of property for public purposes.

§ 2. In order to provide money for the construction and furnishing of the said county hospital, the fiscal court may enter an order submitting to the voters at the regular No-

vember election or a special election the question whether bonds of the county shall be issued for the purpose of carrying out the work therein provided. The order shall provide the date and maturity of the bonds, the rate of interest they shall bear, and the total amount to be issued, and the order shall also contain the necessary details in reference to the execution and delivery of the bonds, their denominations, coupons to be annexed, and a sinking fund to retire such bonds at maturity and the calling of said election shall be regulated by the laws applicable to other elections for county bond issues.

§ 3. In order to provide money for the maintenance and furnishing of a county hospital in counties having a city of the fifth class, and in which there is established in such county a "Community Hospital" (that is a non-dividend paying hospital, constructed by donations, or endowment funds) the county board of health existing under the laws of this Commonwealth in such county or counties embracing a city of the fifth class, is hereby authorized and it is hereby made its duty to make and enter into a contract with the governing authority of such "Community Hospital" for county purposes in such county until such time as a county hospital is authorized by vote of the people as follows:

It shall also be the duty of the county board of health of the counties embracing a city of the fifth class, on or before the first day of April, 1926, and each year thereafter, to contract with the governing authority of such community hospital for the support and maintenance of said hospital and to ascertain and report to the fiscal court of such county, the estimated amount needed for such county hospital purposes for the next year; this annual budget shall be submitted in writing to the county clerk, not less than ten days before the first day of April in each year by the county board of health. And the county clerk shall present this annual budget to the fiscal court when it convenes to make the annual levy. When this annual budget has been submitted to the fiscal court, it

shall be the duty of the fiscal court to provide sufficient funds to pay said budget, by the levy and collection of a tax, of not exceeding five cents on the one hundred dollars, as a contribution for the county hospital purposes, and for the payment of the budget recommended and demanded by the county board of health as herein provided, and the same shall not be appropriated or used for any other purpose, during the life of the contract herein provided for. And when said funds are collected by the county treasurer, he shall pay the same over to the treasurer or governing authorities of said hospital.

§ 4. All laws and parts of laws in conflict with this amendment are hereby repealed.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

Wm. J. Arvin	W. A. Carson	J. O. Evans
W. O. Bach	C. B. Carver	D. W. Fowler
A. J. Baldridge	Lee Clark	Otto C. Gartin
J. H. Baughman	Lonnie Cooper	R. E. Glenn
L. D. Bax	Fred H. Coots	C. C. Givens
W. B. Belknap	J. D. Cox	F. A. Gnau
T. H. Benton	J. S. Cruse	Whitsett Hall
Shaler Berry	W. J. Curtis	Lawrence Harmon
C. H. Berryman	J. L. Cushing	J. F. Harrison
W. P. Bowman	C. L. Daly	C. W. Hawkins
D. F. Brown	Mormon B. Daniel	Goebel B. Henson
Geo. A. Brown	J. R. Dorman	H. M. Holbrook
J. R. Buckman	E. J. Doss	H. B. Holland
W. G. Buckner	James M. Durham	Ira L. Horne
S. J. Bunger	D. E. Edwards	J. C. Hutcherson

E. M. Johnson	B. T. Morris	C. W. Ryans
Grover C. Johnson	L. P. Murphy	Chas. L. Seale
W. W. Johnson	Chas. N. McCarty	M. G. Slusher
D. C. Jones	J. L. McDavid	W. R. Smith
Mrs. H. G. Jorris	W. J. McGill	E. J. Snyder
J. R. Kelly	F. T. Nichols	Frank L. Strange
W. W. Leslie	Smith Park	J. G. Swearengin
Leon P. Lewis	J. J. Patterson	Mac Swinford
Joe Martin	Jas. J. Peters	Chiles Van Antwerp
Shelby Martin	Geo. W. Potter	C. D. Vincent
A. M. Mercer	W. H. Pryor	W. S. Wallen
H. J. Meyers	Clint Raymer	T. B. Watts
H. H. Miller	R. R. Rogers	

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Resolved that the title thereof be as aforesaid.

Mr. Cushing moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the orders of the day a resolution entitled:

H. Res. 2. Resolution authorizing Henry W. Bond, as the administrator of the estate of Brent Jones, deceased, to sue the Commonwealth of Kentucky.

Mr. Jones moved that said resolution be recommitted with leave to report at any time.

Said motion was agreed to.

The House took up for consideration from the orders of the day, a bill entitled:

H. B. 45. An Act to amend Section 3 of an Act approved March 19, 1908, entitled "An Act relating to children who are

now or may hereafter become dependent, neglected or delinquent, to define these terms and fixing and defining the powers of the several County Courts within this Commonwealth, with reference to the care, treatment and control of such children, and to provide for the means whereby such powers may be exercised," as amended by an Act approved March 23, 1910, entitled "An Act to amend Section 3 of an Act of the General Assembly of the Commonwealth of Kentucky, approved March 19, 1908 entitled 'An Act relating to children who are now or may hereafter become dependent, neglected or delinquent, to define these terms and fixing and defining the powers of the several County Courts within this Commonwealth, with reference to the care, treatment and control of such children, and to provide for the means whereby such powers may be exercised,'" being Section 331e-3 of the Kentucky Statutes, Carroll's Edition of 1922.

Mr. Berry moved that said bill be recommitted with leave to report at any time.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 51. An Act relating to the qualifications of members and officers of the police force in cities of the first class, and repealing Chapter 84 of the Acts of the General Assembly of 1924.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Each member and officer of the police force hereafter appointed shall be an elector and shall have been a resident for three years in the city in which he is appointed. No

person shall be appointed a member or officer of the police force unless he is well known to be a man of sobriety and integrity, and has been and is an orderly and law-abiding citizen. No man shall be appointed a member or officer of the police force who has been convicted of any felony, or who has been engaged in any unlawful calling, or has pursued any calling in a manner forbidden by law; nor shall any person be appointed a member or officer of said force on account of any political partisan service rendered by him; nor shall any officer or member of said force be removed or discharged or reduced in grade or pay for any political reasons. Their appointment and continuance upon the police force shall depend absolutely upon their ability and their willingness to enforce the law.

§ 2. That chapter 84 of the Acts of the General Assembly of 1924, and all other laws or parts of laws in conflict herewith be and the same are now hereby repealed.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

Wm. J. Arvin	D. F. Brown	J. D. Cox
W. O. Bach	Geo. A. Brown	J. S. Cruse
A. J. Baldridge	F. W. Bryant	W. J. Curtis
J. H. Baughman	J. R. Buckman	J. L. Cushing
L. D. Bax	W. G. Buckner	C. L. Daly
W. B. Belknap	S. J. Bunger	Mormon B. Daniel
T. H. Benton	W. A. Carson	J. R. Dorman
Shaler Berry	C. B. Carver	E. J. Doss
C. H. Berryman	Lonnie Cooper	James M. Durham
W. P. Bowman	Fred H. Coots	J. O. Evans

D. W. Fowler	Mrs. H. G. Jorris	Geo. W. Potter
Otto C. Gartin	W. O. Keller	W. H. Pryor
R. E. Glenn	J. R. Kelly	R. R. Rogers
C. C. Givens	Leon P. Lewis	Philip J. Ryan
F. A. Gnau	Joe Martin	C. W. Ryans
Whitsett Hall	Shelby Martin	Chas. L. Seale
Lawrence Harmon	A. M. Mercer	W. R. Smith
J. F. Harrison	H. H. Miller	E. J. Snyder
C. W. Hawkins	B. T. Morris	Frank L. Strange
Goebel B. Henson	L. P. Murphy	J. G. Swearengin
H. M. Holbrook	Chas. N. McCarty	J. L. Valandingham
H. B. Holland	J. L. McDavid	Chiles Van Antwerp
Ira L. Horne	W. J. McGill	C. D. Vincent
J. C. Hutcherson	F. T. Nichols	W. S. Wallen
Grover C. Johnson	Smith Park	T. B. Watts
W. W. Johnson	J. J. Patterson	
D. C. Jones	Jas. J. Peters	

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Resolved that the title thereof be as aforesaid.

Mr. Ryans moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the orders of the day, a bill entitled:

H. B. 44. An Act to amend No. 4 of an Act approved March 18, 1914, entitled "An Act to provide a stenographer for the County Judge of counties in the Commonwealth containing a population of two hundred thousand or over," being No. 1061a-4 of the Kentucky Statutes, Carroll's Edition of 1922.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 4 of "An Act to provide a stenographer for the County Judge of counties in the Commonwealth containing a population of two hundred thousand or over" be and is hereby amended by striking out the words "said stenographer" and inserting in lieu thereof the words "stenographer to the County Judge in counties having a population of two hundred thousand or over," and also by striking out the figures "$900.00" and inserting in lieu thereof the words and figures "Fifteen hundred Dollars ($1500.00)," so that said section as amended shall read as follows:

"The salary of the stenographer to the County Judge in counties having a population of two hundred thousand or over shall be fixed by the County Judge, not to exceed Fifteen hundred dollars ($1500.00) per annum, payable out of the county levy in equal monthly installments."

Ordered that said bill be read the third time.

The Constitutional provisions as to the third reading of the said bill at length being dispensed with, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. B. Ardery	Geo. A. Brown	W. J. Curtis
Wm. J. Arvin	F. W. Bryant	J. L. Cushing
W. O. Bach	J. R. Buckman	C. L. Daly
A. J. Baldridge	W. G. Buckner	Mormon B. Daniel
J. H. Baughman	S. J. Bunger	J. R. Dorman
L. D. Bax	W. A. Carson	E. J. Doss
T. H. Benton	C. B. Carver	James M. Durham
Shaler Berry	Lee Clark	D. E. Edwards
C. H. Berryman	Lonnie Cooper	J. O. Evans
W. P. Bowman	J. D. Cox	D. W. Fowler
D. F. Brown	J. S. Cruse	Otto C. Gartin

R. E. Glenn	W. O. Keller	Jas. J. Peters
C. C. Givens	J. R. Kelly	Geo. W. Potter
F. A. Gnau	W. W. Leslie	W. H. Pryor
Whitsett Hall	Leon P. Lewis	Clint Raymer
Lawrence Harmon	Joe Martin	R. R. Rogers
J. F. Harrison	Shelby Martin	Philip J. Ryan
C. W. Hawkins	A. M. Mercer	C. W. Ryans
Goebel B. Henson	H. J. Meyers	Chas. L. Seale
H. M. Holbrook	H. H. Miller	M. G. Slusher
H. B. Holland	J. S. Milliken	W. R. Smith
Ira L. Horne	B. T. Morris	E. J. Snyder
J. C. Hutcherson	L. P. Murphy	J. G. Swearengin
E. M. Johnson	J. L. McDavid	Mac Swinford
Grover C. Johnson	W. J. McGill	J. L. Valandingham
W. W. Johnson	F. T. Nichols	C. D. Vincent
D. C. Jones	Smith Park	T. B. Watts
Mrs. H. G. Jorris	J. J. Patterson	

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Resolved that the title thereof be as aforesaid.

Mr. Gnau moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Cushing called the attention of the House to the presence of The Honorable Samuel W. Adams, Speaker of the House of Representatives for the Regular Session of 1924 and now State Senator in this General Assembly, and moved that a Committee be appointed by the Speaker of the House to notify Senator Adams that the House has invited him to deliver an address and to escort him to the Chair which he formerly occupied.

Said motion was agreed to.

Thereupon the Speaker appointed Messrs. Cushing, Dorman and Jones as such Committee.

After a time, Senator Adams was escorted by said Committee to the Speaker's Chair where he delivered a very pleasant and instructive address to the members of the House, as touching the various matters of legislative interest and concern.

Mr. Meyers moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

THURSDAY, JANUARY 28, 1926.

The House was opened with prayer by the Reverend Thomas C. Eckton of the Baptist Church of Lexington, Kentucky.

The roll was called and the following members answered to their names, viz.:

W. B. Ardery	C. B. Carver	C. C. Givens
Wm. J. Arvin	Lee Clark	F. A. Gnau
W. O. Bach	Lonnie Cooper	Whitsett Hall
A. J. Baldridge	Fred H. Coots	Lawrence Harmon
J. H. Baughman	J. D. Cox	J. F. Harrison
L. D. Bax	J. S. Cruse	C. W. Hawkins
W. B. Belknap	W. J. Curtis	Goebel B. Henson
T. H. Benton	J. L. Cushing	H. M. Holbrook
Shaler Berry	C. L. Daly	H. B. Holland
C. H. Berryman	Mormon B. Daniel	S. K. Holland
W. P. Bowman	J. R. Dorman	Ira L. Horne
D. F. Brown	E. J. Doss	J. C. Hutcherson
Geo. A. Brown	James M. Durham	E. M. Johnson
F. W. Bryant	D. E. Edwards	Grover C. Johnson
J. R. Buckman	J. O. Evans	W. W. Johnson
W. G. Buckner	D. W. Fowler	D. C. Jones
S. J. Bunger	Otto C. Gartin	Mrs. H. G. Jorris
W. A. Carson	R. E. Glenn	W. O. Keller

J. R. Kelly
Oscar Leibson
W. W. Leslie
Leon P. Lewis
J. L. Manning
Joe Martin
Shelby Martin
A. M. Mercer
H. J. Meyers
H. H. Miller
J. S. Milliken
T. R. Moore
B. T. Morris
L. P. Murphy
Chas. N. McCarty
J. L. McDavid
W. J. McGill
F. T. Nichols
Caleb Page
Smith Park
J. J. Patterson
Jas. J. Peters
Geo. W. Potter
W. H. Pryor
H. A. Pulliam
Clint Raymer
R. R. Rogers
Philip J. Ryan
C. W. Ryans
Chas. L. Seale
M. G. Slusher
W. R. Smith
E. J. Snyder
Frank L. Strange
J. G. Swearengin
Mac Swinford
J. L. Valandingham
Chiles Van Antwerp
C. D. Vincent
W. S. Wallen
T. B. Watts

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. Jones moved that when this House adjourn to-day, it be in sympathy for Mr. King, Representative from Caldwell County, and out of respect to the memory of Mrs. King, his wife.

Said motion was agreed to.

Mr. Jones moved that a Committee of three members be appointed by the Speaker to draw suitable and appropriate resolutions on the death of Mrs. King.

Said motion was agreed to.

Thereupon the Speaker appointed Messrs. Jones, Milliken and Meyers as members composing such committee.

Mr. Cushing moved that a bill entitled:

H. B. 264. An Act providing for a minimum standard of hygiene and safety in workshops, factories and other places of employment designed for the protection of health and pre-

vention of accidents to employees working in such places of employment, providing for administration and enforcement and for penalties for violation thereof,

Which was originally referred to the Committee on Public Safety,

Be reassigned to the Committee on Immigration and Labor.

Said motion was agreed to.

Mr. Van Antwerp offered the following resolution:

That speakers and authorities on the taxation of coal be invited to appear before this House, to present both sides of this issue, and that the members of the House meet in committee of the whole next Monday evening at seven-thirty o'clock in this chamber to hear this discussion, and that members of the Senate be invited to this session, and furthermore that Hon. D. C. Jones be authorized to invite the authorities on taxation who oppose a production tax on coal, and Hon. D. W. Fowler be authorized to invite the proponents of such a tax.

Mr. Meyers raised the Point of Order that said resolution was not in accordance with the Rules of this House.

Said Point of Order was sustained by the Speaker.

Mr. Daly offered the following resolution, viz:

A concurrent resolution providing for the appointment of a joint committee of the House and Senate, on the State of the Commonwealth, to investigate, report on, and recommend a remedy for certain economic conditions thereof.

Whereas, the area of each of the counties of the Commonwealth of Kentucky is now required by the Constitution (Con-

stitution Sec. 63) to embrace a minimum area of four hundred (400) square miles, and as now constituted and established, only thirty-two (32), of the one hundred and twenty (120) counties meet this said requirement and,

Whereas, the population of each of said counties of the Commonwealth by Constitutional requirement must be a minimum of twelve (12,000) thousand persons, and according to the last (1920) census report, approximately one-third of said counties do not meet this said requirement; and two-thirds of the total number of the counties of the Commonwealth do not contain an incorporated place having 2,500 inhabitants or more, and,

Whereas, notwithstanding said restricted area, and sparse population said counties have and carry a full complement of officers, which facts and circumstances result in useless and needless county officers, boards, and other county equipment, and state inspection and supervision, resulting in gross waste and expenditure of public funds, and,

Whereas, the State government is similiarly afflicted with overlapping commissions, boards, and bureaus, the duties of many thereof are conflicting, have become minimized, or obsorbed to the point of uselessness, and in many instances obsolete for all practical purposes, and,

Whereas, in both state and county government by reason of the facts above set forth great and unnecessary expenditure of public funds is now being made, and the General Assembly of the Commonwealth has been requested, and is now about to consider many measures and to supply means to meet current expense which said expense must necessarily increase in the future beyond hope of extinguishment under existing conditions, and cannot be met and discharged without extra and burdensome taxation, and,

Whereas, farm lands and other real property are now subject to an unreasonable and unfair burden of taxation, and to frequent and excessive valuation and assessment, with an annual appreciation in appraisement, and,

Whereas, the amount required, and the means by which the required revenue is to be procured cannot be intelligently ascertained until the above conditions are corrected by a careful survey and investigation, indicating what wasteful conditions may be eliminated, as well as suggesting what constructive measures may be employed, therefore, be it

Resolved by the House of Representatives, the Senate concurring therein, that a joint committee consisting of five (5) members from the House and three (3) members from the Senate be appointed by the Speaker of the House and the President of the Senate respectively, to make immediate and diligent inquiry and investigation into the matters aforesaid; and to report and recommend such legislation as will effectively correct this situation by such consolidation of counties, and by the consolidation, elimination or abolishment of counties, county and state officers, boards, bureaus and commissions, and by ascertaining the advisability of enacting a law to take the sense of the people as to the necessity and expediency of calling a Convention for the purpose of revising the State Constitution and amendments thereto; and by recommending such other remedial legislation as said committee may deem proper, in order that large sums of money now needlessly expended may be directed and given to the support and betterment of the penal, corrective, charitable and educational institutions and other legitimate functions of the State.

The said Committee to be empowered to hire and employ all necessary help pending such investigations, in order that an early report of their finding may be made.

Said resolution was adopted.

Mr. Milliken moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed bills of the following titles, viz:

1. S. B. 3. An Act to amend and re-enact Section 3706 of the Kentucky Statutes, Carroll's 1915 Edition, and as re-written in the 1922 Edition, regulating the improvement of streets, sidewalks, sewers, water mains and public places.

2. S. B. 8. An Act fixing the time of holding Circuit Court in the 33rd Judicial District.

3. S. B. 42. An Act to amend and re-enact Section 1055 of the Kentucky Statutes (Carroll's 1915) providing for the record books of the judge of the quarterly court and said quarterly court; providing for the appointment of the clerk and deputies of said court, their compensation and the disposition of fees from said court, with certain provisions regarding same, applicable only to counties having a population of one hundred and fifty thousand (150,000) or more.

4. S. B. 41. An Act authorizing the restoration to sound mind, of persons who have been adjudged of unsound mind, or who may be hereafter adjudged of unsound mind, so that persons who have been adjudged of unsound mind, can, by proper judgment, be restored and given all the rights of persons of sound mind.

5. S. B. 45. An Act to change and fix the time, place and terms of Court, in the 20th Judicial District.

6. S. B. 38. An Act defining size of type to be used in printed portion of a recordable instrument.

7. S. B. 64. An Act to assist disabled ex-service men and women of the World War in obtaining from the Federal Government the relief authorized by Congress, continuing the Kentucky Disabled Ex-service Men's Board and appropriating funds therefor.

8. S. B. 37. An Act relating to motor vehicles.

9. S. B. 30. An Act to repeal Section 1 of Chapter 221 entitled an Act relating to courts of justice being Section 949, Kentucky Statutes, 1922 Edition.

Ordered that said bill be printed and referred as follows, viz.:

1. To Committee on Municipalities.

2. To Committee on Circuit Courts.

3. To Committee on County and City Courts.

4. To Committee on Judiciary.

5. To Committee on Circuit Courts.

6. To Committee on Printing.

7. To Committee on Military Affairs.

8. To Committee on Roads and Highways No. 1.

9. To Committee on Judiciary.

Mr. Belknap offered the following resolution, viz.:

Concurrent Resolution concerning state and inheritance taxes.

Be It Hereby Resolved by the House of Representatives of the General Assembly of Kentucky, the Senate concurring herein, that since the revenue from inheritance taxes is necessary to the Educational institutions of the state and to the state government, and since the total abolition of the federal estate tax would open up a competition between states which would almost certainly destroy this source of revenue.

That the Representatives and Senators from Kentucky in the United States Congress be respectfully urged to do all in their power to pass House Bill 1 in the form that it was reported by the Ways and Means Committee of the House allowing an eighty per cent deduction for state death taxes paid and that the federal estate tax be not abolished at this time as suggested by the Senate Committee.

And that the above resolution be forwarded at once to said Senators and Representatives.

Said resolution was disagreed to.

Mr. Meyers moved that the vote by which said resolution was disagreed to be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The hour of twelve o'clock having arrived, that being the hour for the consideration of the Orders of the Day under the rules of the House, Mr. Belknap moved that the consideration of the Orders of the Day be postponed until after the introduction of bills and the reports of the Standing Committees.

Said motion was agreed to.

The Speaker laid before the House the following call for a Joint Session of the House and Senate for one-thirty o'clock P. M. today, viz.:

By virtue of authority vested in me by the Joint Rules which governed and controlled the Joint Sessions of this General Assembly for 1924 and heretofore adopted temporarily as the Joint Rules of the General Assembly of 1926, I, G. Lucian Drury, Speaker of the House of Representatives, do hereby call the Senate and House of Representatives to

meet in Joint Assembly today, January 28, 1926, at one-thirty o'clock P. M. for the purpose of considering Joint Rules to govern and control the Joint Sessions of this General Assembly for 1926.

It is ordered that a copy of this call be spread upon the Journal of the House and certified by the Chief Clerk to the Senate for appropriate action.

G. L. DRURY,
Speaker of the House of Representatives.

Mr. Milliken moved that the Substitute heretofore offered for a bill entitled:

H. B. 117. An Act relating to revenue and taxation, fixing annual tax rate on unmanufactured agricultural products,

Be ordered printed.

Said motion was agreed to.

Upon a call of the Counties and Representative Districts, the following bills were introduced, ordered printed and referred as follows, viz.:

By Mr. McCarty:

H. B. 278. An Act amending Section 4465b Kentucky Statutes, Carroll's 1915 Edition, Baldwin's 1918 Supplement, relating to the manner of the election of Boards of Education in the Graded School Districts.

To Committee on Education No. 1.

By Mr. Raymer:

H. B. 279. An Act creating a new Primary Road Project to be known as State Primary Road Project No. —, to begin at Brownsville, Edmonson County, and extend approximately 12 miles to Rocky Hill, Edmonson County, Kentucky.

To Committee on Roads and Highways No. 2.

By Mr. McDavid:

H. B. 280. An Act providing for more adequate Hospital benefits coming under the system of Workmen's Compensation for industrial accidents, whereby the injured by direction of the Board may receive an extension of said period of treatment necessary to cure or properly treat the injured but not to exceed an expense of four hundred dollars.

To Committee on Compensation for Industrial Injuries.

By Mr. Kellar:

H. B. 281. An Act to amend Section 5 of Chapter 17 of the Acts of 1920, relating to roads and highways, and establishing and creating Project 10D.

To Committee on Roads and Highways No. 2.

By Mr. Berryman:

H. B. 282. An Act relating to courts of justice, amending and re-enacting Chapter 35, Article 5, Section 1062, Kentucky Statutes, Carroll's Edition, 1915.

To Committee on Kentucky Statutes.

By same:

H. B. 283. An Act making it unlawful to display on motor vehicle emblem of any organization unless owner of vehicle is member thereof, and providing a penalty therefor.

To Committee on Kentucky Statutes.

By Mr. Brown:

H. B. 284. An Act providing for the right of condemnation by memorial, historical, professional associations for the Commonwealth of Kentucky for memorial purposes, and prescribing method of such proceedings.

By Mr. G. O. Johnson:

H. B. 285. An Act to create a new State Primary Road Project, to be known as Project No. — to extend from a point

on State Project No. 12 near East View in Hardin County, Kentucky, via Solway and Big Spring, to a point in State Project No. 8, in Meade County between Hog Wallow and Millers Mill.

To Committee on Roads and Highways No. 2.

By Mr. Lewis:

H. B. 286. An Act to repeal section 256 of the Code of Criminal Practice and sections 1136 and 1137 of the Kentucky Statutes, and to authorize courts having criminal jurisdiction to fix penalties for violations of the criminal laws in all cases where not fixed by statute.

To Committee on Codes of Practice.

By same:

H. B. 287. An Act to amend and re-enact subsection 2 of 552 of the Civil Code of Practice, relating to the mode of taking testimony.

To Committee on Codes of Practice.

By Mr. D. F. Brown:

H. B. 288. An Act to repeal and re-enact section 4252 of the Kentucky Statutes, 1915 Edition, requiring officers to report to the circuit court, so as to impose the same duties upon the circuit court clerk as now imposed upon county judges, police judges, and justices of the peace, and to impose a penalty for the failure of such officer to make any report required herein.

To Committee on Circuit Courts.

By same:

H. B. 289. An Act to repeal and re-enact section 4252 of the Kentucky Statutes, 1915 Edition, relating to the duty of the circuit court clerks as to issuance of process on judgments in favor of the Commonwealth so as to impose the same

duties upon the judges of the county courts, police courts and justices of the peace of the Commonwealth of Kentucky.

To Committee on Circuit Courts.

By Mr. Carson:

H. B. 290. An Act establishing and making the road leading from Danville, via Hubbell, to Lancaster, a part of the Primary system of State Highways of the Commonwealth of Kentucky and designating said road as Project No. —.

To Committee on Roads and Highways No. 2.

By same:

H. B. 291. An Act to amend section 4356t-5 of the Kentucky Statutes, Carroll's 1922 Edition, relating to roads and bridges, by amending and adding thereto as Project — extending from Project 22, at Curtis' Store to the Southern Railroad at Waynesburg.

To Committee on Roads and Highways No. 2.

By Mr. Park:

H. B. 292. An Act relating to the recording of deeds and mortgages securing indebtedness and requiring that every such instrument shall disclose the maturity of the principal of such indebtedness, and imposing penalties.

To Committee on Kentucky Statutes.

By Mr. Peters:

H. B. 293. An Act to amend section 5 of chapter 17 of the Acts of the General Assembly of the Commonwealth of Kentucky of the 1920 session, approved March 16, 1920, which act relates to roads and bridges and the creation of the Department of State Roads and Highways, etc., adding to said Act Project No. —.

To Committee on Roads and Highways No. 2.

By Mr. Murphy:

H. B. 294. An Act creating the County of Fields, and changing the lines of Clay and Knox Counties.

To Committee on Kentucky Statutes.

By Mr. Doss:

H. B. 295. An Act to create a new State Primary Road Project to be known as Project No. — to extend from Shelbyville the county seat of Shelby County, via Cropper, and Elmburg in Shelby County, to a point at Defoe in Henry County on the existing State Primary Road Project No. 64½ leading from Frankfort, the county seat of Franklin to Newcastle, the county seat of Henry County.

To Committee on Roads and Highways No. 2.

By Mr. Snyder:

H. B. 296. An Act amending and re-enacting Section 4143, Kentucky Statutes, Carroll's 1915 Edition.

To Committee on Revenue and Taxation No. 2.

By same:

H. B. 297. An Act to amend and re-enact Section 1376b-2, Kentucky Statutes, relating to agricultural seeds.

To Committee on Agriculture.

By Mr. Pulliam:

H. B. 298. An Act to enable cities of all classes to place the police department, city prosecuting attorney and city jailer and all employees of these branches of the municipal govern-

ment, under the management of a director of law enforcement elected by popular vote, setting out the procedure of said management and providing for the abandonment of such plan of management.

To Committee on Municipalities.

By Mr. Henson:

H. Res. 7. Joint Resolution, providing for the appointment of a joint committee to formulate a bill for the repeal, revision, codification and re-enactment of the laws pertaining to State Highways and the operation of motor vehicles.

To Committee on Roads and Highways No. 1.

Mr. Milliken moved that the session of today be extended indefinitely.

Said motion was agreed to.

Mr. Milliken moved that the House do now recess until one-fifteen o'clock P. M.

Said motion was agreed to.

The hour of one-fifteen o'clock P. M. having arrived, the Speaker resumed the chair and called the House to order.

Mr. Meyers of the Committee heretofore appointed by the Speaker to draw suitable and appropriate resolutions in memory of Mrs. King, offered the following resolution, viz.:

Whereas the Lord has seen fit to call from our midst the good and beloved wife of the Hon. T. H. King, a fellow member of the House, whose untimely and unexpected death has brought much grief and sorrow to their many friends and members of this House, therefore,

Be it Resolved, by the House of Representatives that the members thereof extend to the Represntative from Caldwell County their sincere and heartfelt sympathy in his great bereavement.

Be it further Resolved, that the Speaker appoint a Committee consisting of himself and six other members of the House to attend the funeral exercises of Mrs. King at Princeton, Kentucky on Friday, January 29th as the official representatives of this body. As a further token of our love, esteem, and respect, this committee be authorized to purchase and supply a suitable floral tribute,

Be it further Resolved, that a copy of this resolution be set to Rep. King and be spread upon the Journal of this House.

Said resolution was adopted.

Thereupon the Speaker appointed Messers. Lee, Clark, S. K. Holland, Vincent, Gartin, Glenn and Patterson as members constituting said committee.

The committees to which same had been referred, reported bills of the following titles, viz.:

By Mr. Murphy of the Committee on Agriculture:

H. B. 162. An Act to accept the provisions of an act passed by the Congress of the United States and approved February 24, 1925, to authorize the more complete endowment of Agricultural Experiment stations and for other purposes.

By Mr. Glenn of the Committee on Appropriations No. 1·

H. B. 145. An Act making an appropriation of $5,000.00 a year for each of the fiscal years 1926-1927 and 1927-1928 to the Bourbon Stock Yards Fat Stock Show Association of

Louisville, Kentucky to meet the premium expenses thereof for the fiscal year ending June 30, 1927 and June 30, 1928.

By Mr. Hawkins of the Committee on Cities of the Fourth Class:

H. B. 68. An Act relating to municipal bonds in municipalities of the fourth (4), fifth (5) and sixth (6) class municipalities, and providing for their maintenance.

By Mr. Evans of the Committee on Corporate Institutions:

H. B. 74. An Act authorizing corporations to issue stock without nominal or par value.

By Mr. G. A. Brown of the Committee on County and City Courts:

H. B. 48. An Act to amend and re-enact Section 1055 of the Kentucky Statutes, (Carroll's 1915) providing for the record books of the Judge of the quarterly court and said quarterly court; providing for the appointment of the clerk and deputies of said court, their compensation and the disposition of fees from said court, with certain provisions regarding same, applicable only to counties having a population of one hundred and fifty thousand (150,000) or more.

With an amendment thereto.

By same:

H. B. 78. An Act to amend and re-enact section 1744, chapter 47, Kentucky Statutes, Carroll's Edition, 1922, which chapter is entitled "fees."

By Mr. Meyers of the Committee on Criminal Law:

H. B. 89. An Act repealing and re-enacting section 1164, Kentucky Statutes, relating to store robbery, etc.

By same.

H. B. 150. An Act to amend and re-enact section 1169 of the Kentucky Statutes, Edition of John D. Carroll, of 1915, relating to the burning of warehouse, barn, other house or personal property, by inserting therein the words "or stock of goods, wares, or merchandise, or household goods or any article of personal property," and the word "automobile."

By same:

H. B. 16. An Act to repeal and re-enact chapter 8 of the Acts of the General Assembly of 1914, being section 1213a Kentucky Statutes, 1922 Edition, and being entitled An Act to regulate the making, drawing, uttering or delivering of checks, drafts or orders for the payment of moneys, and fixing the penalties for violation of same, known as the cold check law.

With amendments thereto.

By same:

H. B. 168. An Act to require, in all cities of the First and Second Class of this Commonwealth, the proper construction, use and maintenance of scaffolding, counter-floors, staging, rigging, etc., in all construction work, providing for the appointment of a chief safety inspector of scaffolding and counter-floors in construction work and a deputy inspector in cities of the first and second class, prescribing the duties of said safety inspector of scaffolding and counter-floors in construction work and repealing all laws inconsistent therewith.

By Mr. Pulliam of the Committee on Education No. 2:

H. B. 109. An Act amending Sec. 20, Chapter 14, Acts of the General Assembly of 1920, defining the method of procedure in School Bond Elections in cities of the fourth class and enacting in lieu thereof the following section defining the method of procedure in school bond elections in such cities.

By Mr. Ryan of the Committee on Kentucky Statutes:

H. B. 127. An Act to prohibit the owner of real property from failing to apply the proceeds of the sale thereof or loan thereon to the payment of the amounts owing for labor or materials used in the erection, repair or improvement of any structure thereon, and prescribing a penalty for the violation thereof.

With Committee Amendment thereto.

By same:

H. B. 128. An Act to require persons building, repairing or improving property for others to apply money received from the owner to the payment of bills for labor or material and providing a penalty for the violation thereof.

By Mr. Van Antwerp of the Committee on Normal Schools:

H. B. 123. An Act to provide for the establishment of a State Normal School for the training of white elementary teachers, and appropriating moneys for maintenance and operation thereof.

By Mr. E. M. Johnson of the Committee on Printing:

H. B. 112. An Act defining size of type to use in printed portion of a recordable instrument.

With the expression of opinion that said bills ought to pass.

Said bills were severally read at length the first time and ordered to be placed on the Calendar.

The Committees to which the same had been referred, reported bills of the following titles, viz.:

By Mr. Murphy of the Committee on Agriculture:

H. B. 172. An Act granting owners and operators of threshing machines a lien upon any grain or seed threshed or hulled by such machine, and providing for the enforcement of such lien and fixing a penalty.

By Mr. Ryan of the Committee on Kentucky Statutes:

H. B. 96. An Act prohibiting the teaching of the evolution theory in all the universities, normals and all public schools in Kentucky, which are supported in whole or in part by the public school funds of the State, and to prohibit the hiring of such teacher; and to provide penalties for the violations thereof.

With the expression of opinion that said bills ought not to pass.

No further action having been taken by the House in regard to said bills and no motion having been made to advance said bills to a reading, the report of the Committee to the contrary notwithstanding, it was ordered that said bills be not read the first time at length.

And so said bills were rejected.

Mr. Lewis moved that the privileges of the floor be extended to Mrs. Mary Elliott Flanery of Boyd County, former member of this House.

Said motion was agreed to.

The hour of one-thirty o'clock having arrived, that being the hour for the Joint Special Order of the Day under and by virtue of a call made by the Speaker of this House previously on today.

The Senate of Kentucky, in order, entered on the floor of the Hall of the House of Representatives.

The Hon. Henry H. Denhardt, Lieutenant Governor and President of the Senate, took the chair and called the Joint Session to order.

The Hon. G. Lucian Drury, Speaker of the House of Representatives, took a seat on the right of the President of the Senate.

Senator Adams moved that the roll call of the Houses be dispensed with.

Said motion was agreed to.

Senator Adams moved that the Joint Rules which governed and controlled the Joint Sessions of the Senate and the House of Representatives for the Regular Session of 1924, be and they are hereby made the Joint Rules for the Joint Session of the Senate and House of Representatives, during the present session of the General Assembly.

Said motion was agreed to.

Mr. Strange moved that the Joint Session be now dissolved.

Said motion was agreed to.

The Speaker resumed the Chair and called the House to order.

The Committee on Criminal Law to which same had been referred, reported a bill of the following title, viz.:

H. B. 135. An Act authorizing the Court in which any judgment has been or may hereafter be rendered imposing a fine and imprisonment or a fine or imprisonment for misdemeanor or the judge thereof in vacation to suspend the enforcement of such judgment or any part thereof in certain cases.

With the expression of opinion that said bill ought not to pass.

Mr. Holbrook moved that said bill be advanced to its first reading the report of the Committee to the contrary notwithstanding.

Said motion was agreed to.

Thereupon said bill was read the first time at length, and ordered to be placed on the Calendar.

The Committee on Agriculture to which same had been referred, reported a bill of the following title, viz.:

H. B. 118. An Act to repeal section 68b-4 Kentucky Statutes, Carroll's Edition 1922 relating to dog license tax.

With the expression of opinion that said bill ought not to pass.

Mr. Seale moved that said bill be advanced to its first reading the report of the committee to the contrary notwithstanding.

Said motion was agreed to.

Thereupon said bill was read at length the first time and ordered to be placed on the Calendar.

Mr. Pulliam of the Committee on Education No. 2, to which same had been recommitted with leave to report at any time, reported a bill entitled:

H. B. 34. An Act to repeal Section 10 of Chapter 36 of the Acts of 1920 and providing for the election of County Superintendents of schools by the people.

Mr. Jones offered the following amendment thereto, by way of substitute therefor, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 4399a-10 of Article V, Chapter 113 of Carroll's 1922 Edition of Kentucky Statutes, be and the same is hereby repealed and that there be enacted in lieu thereof the following:

2. At the regular November election in 1927 and at the November election 1929 and every four years thereafter a county school superintendent of schools shall be elected by the qualified voters of each county residing in the county school district provided by law, and shall hold his office for four years from the first Monday in January following his election until the election and qualification of his successor. The county superintendent shall be elected and the vote canvassed and the result certified by the same officers and in the same manner as in the elections of other county officers, and within ten days after the election the clerk of the county court shall forward a copy of the certificate of election to the Superintendent of Public Instruction. In case of controverted right to the office of county school superintendent, the Superintendent of Public Instruction shall have power to recognize a superintendent

from among the contestants until the case has been settled. Provided that persons living in school districts in no way under the control or supervision of the county school superintendent, shall not be eligible to vote in the election of a county school superintendent. No person shall be eligible to the office of county suprintendent of schools who is under twenty-five years of age and who does not hold a proper certificate in scholarship, administration and supervision as provided by law, providing that all county school superintendents holding office at the time that this act shall take effect, shall continue to serve to the end of the term for which they were originally appointed and the county board of education shall appoint county school superintendents to serve until their successors are elected and qualified under the provisions of this act.

The county superintendent of schools shall devote his entire time to the public school business and shall receive such compensation as the county board of education shall direct to be paid from the county school funds in monthly installments, provided that no county school superintendent elected under the provisions of this act shall be paid a salary of less than twelve hundred dollars ($1,200.00) per year.

In case of vacancy due to any cause the county board of education shall appoint some qualified person to fill the vacancy, provided, however, that an election shall be held to fill the unexpired term at the next succeeding annual election which does not come less than three months from the time said vacancy occurs.

The county superintendent of schools shall be the executive officer of the county board of education, shall see that the laws relating to the schools, the by-laws, rules and regulations of the State Board of Education, and regulations and policies of the county board of education, are carried into effect. The county superintendent of schools shall recommend for condemnation, school buildings which are unsanitary and unfit for use. He shall recommend the repairs, purchase of ground, school sites and grounds, the sale of the same, and shall cause to be

prepared all plans and specifications for remodeling of old buildings, provided that the plans and specifications for any and all buildings to be erected in said county shall be submitted to the State Superintendent of Public Instruction or his agent for approval. The county superintendent shall approve in writing all contracts, of any kind, entered into by the county board of education, and no such contract shall be valid without such approval. He shall be the representative of the State Superintendent of Public Instruction in all examinations for teachers' certificates, conducted within the county and shall perform such duties connected therewith as required by law.

Mr. Berry moved that said Substitute be ordered printed, and that said bill be made a Special Order of this House for next Tuesday, February 2, at eleven o'clock A. M.

Said motion was agreed to.

Mr. Cushing moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

MONDAY, FEBRUARY 1, 1926.

The House was opened with prayer by the Reverend J. C. Pelgrim of the Northern Presbyterian Church, of Frankfort.

Mr. Lewis Allen, Representative elect from the County District of Warren, appeared before the bar of the House and took the oath of office in accordance with the Constitution and Statutes of the State of Kentucky, which was administered by the Speaker.

The roll was called and the following members answered to their names, viz.:

Lewis Allen
W. B. Ardery
Wm. J. Arvin
W. O. Bach
A. J. Baldridge
J. H. Baughman
L. D. Bax
W. B. Belknap
T. H. Benton
Shaler Berry
C. H. Berryman
W. P. Bowman
D. F. Brown
Geo. A. Brown
F. W. Bryant
J. R. Buckman
W. G. Buckner
S. J. Bunger
W. A. Carson
C. B. Carver
Lonnie Cooper
Fred H. Coots
J. D. Cox
J. S. Cruse
W. J. Curtis
J. L. Cushing
C. L. Daly
Mormon B. Daniel
J. R. Dorman
E. J. Doss
James M. Durham
J. O. Evans
D. W. Fowler
Otto C. Gartin
R. E. Glenn
C. C. Givens
F. A. Gnau
Whitsett Hall
Lawrence Harmon
J. F. Harrison
C. W. Hawkins
J. M. Hayse
Goebel B. Henson
H. M. Holbrook
H. B. Holland
S. K. Holland
Ira L. Horne
J. C. Hutcherson
E. M. Johnson
Grover C. Johnson
W. W. Johnson
D. C. Jones
Mrs. H. G. Jorris
W. O. Keller
J. R. Kelly
Thos. H. King
Oscar Leibson
W. W. Leslie
J. L. Manning
Joe Martin
Shelby Martin
A. M. Mercer
H. J. Meyers
H. H. Miller
J. S. Milliken
T. R. Moore
B. T. Morris
L. P. Murphy
Chas. N. McCarty
J. L. McDavid
W. J. McGill
Caleb Page
Smith Park
Jas. J. Peters
Geo. W. Potter
W. H. Pryor
H. A. Pulliam
Clint Raymer
R. R. Rogers
Philip J. Ryan
C. W. Ryans
Chas. L. Seale
W. R. Smith
E. J. Snyder
Frank L. Strange
Mac Swinford
J. L. Valandingham
Chiles Van Antwerp
C. D. Vincent
W. S. Wallen
T. B. Watts

The reading of the Journal of Friday's proceedings was dispensed with.

Mr. Henson moved that a leave of absence be granted to Mr. Lee Clerk.

Said motion was agreed to.

Mr. Baughman moved that a leave of absence be granted to Mr. Leon P. Lewis.

Said motion was agreed to.

Mr. Coots moved that a leave of absence be granted to Mr. Swearengin.

Said motion was agreed to.

A message was received from the Senate announcing that they had passed a resolution of the following title, viz.:

S. Res. 11. Joint Resolution appropriating out of the State Treasury sufficient amounts for the use and benefit of the House of Representatives and the Senate to meet the current and necessary expenses of these two Houses during the present session of the General Assembly.

Mr. Milliken moved that the Rules of this House be suspended and that said resolution be taken up for passage.

Said motion was agreed to.

Said resolution is as follows, viz.:

Joint Resolution appropriating out of the State Treasury sufficient amounts for the use and benefit of the House of Representatives and the Senate to meet the current and necessary expenses of these two Houses during the present session of the General Assembly.

Be it Resolved by the General Assembly of the Commonwealth of Kentucky, That there is hereby appropriated out of any funds in the Treasury not otherwise appropriated by law, the sum of seven thousand dollars, to be set aside by the State Treasurer, as a budget Expense Fund for the use and

benefit of the House of Representatives during the present session of the General Assembly, to meet the current and necessary expenses of the House of Representatives, not otherwise provided for by law; and there is hereby appropriated out of any funds in the treasury not otherwise appropriated by law, the sum of six thousand dollars, to be set aside by the State Treasurer as a Budget Expense Fund, for the use and benefit of the Senate, to meet the current and necessary expenses, not otherwise provided for by law of said Senate during the present session of the General Assembly.

The Auditor of Public Accounts is hereby directed to draw his warrant on the State Treasurer in favor of the Chief Clerk of the House of Representatives and the Chief Clerk of the Senate, not to exceed said amounts respectively, from time to time as needed upon the requisition of said clerks respectively, made under the direction and orders of the presiding officers of the House of Representatives and the Senate respectively and countersigned by said officers.

In the event any portion of said amount, so appropriated, shall remain unexpended at the close of this session of the General Assembly, as provided for herein, then such unexpended portion shall remain in the State Treasury.

Said resolution was adopted.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	D. F. Brown	Lonnie Cooper
Wm. J. Arvin	Geo. A. Brown	J. D. Cox
A. J. Baldridge	F. W. Bryant	J. S. Cruse
L. D. Bax	J. R. Buckman	W. J. Curtis
W. B. Belknap	W. G. Buckner	J. L. Cushing
Shaler Berry	S. J. Bunger	C. L. Daly
C. H. Berryman	W. A. Carson	J. R. Dorman
W. P. Bowman	C. B. Carver	James M. Durham

J. O. Evans	Mrs. H. G. Jorris	Chas. N. McCarty
Otto C. Gartin	W. O. Keller	J. L. McDavid
R. E. Glenn	J. R. Kelly	W. J. McGill
F. A. Gnau	Thos. H. King	F. T. Nichols
Whitsett Hall	Oscar Leibson	Caleb Page
Lawrence Harmon	W. W. Leslie	Smith Park
C. W. Hawkins	J. L. Manning	W. H. Pryor
J. M. Hayse	Joe Martin	R. R. Rogers
Goebel B. Henson	Shelby Martin	C. W. Ryans
H. M. Holbrook	A. M. Mercer	Chas. L. Seale
H. B. Holland	H. J. Meyers	W. R. Smith
S. K. Holland	H. H. Miller	E. J. Snyder
Ira L. Horne	J. S. Milliken	Frank L. Strange
E. M. Johnson	T. R. Moore	C. D. Vincent
W. W. Johnson	B. T. Morris	W. S. Wallen
D. C. Jones	L. P. Murphy	T. B. Watts

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Those who voted in the negative were—

W. B. Ardery	D. W. Fowler	Geo. W. Potter
W. O. Bach	C. C. Givens	H. A. Pulliam
J. H. Baughman	J. F. Harrison	Mac Swinford
Fred H. Coots	J. C. Hutcherson	J. L. Valandingham
Mormon B. Daniel	Grover C. Johnson	Chiles Van Antwerp
E. J. Doss	Jas. J. Peters	

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Mr. Milliken moved that the vote by which said resolution was adopted be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

And that they had passed bills of the following titles, viz.:

1. S. B. 24. An Act to amend and re-enact sections 3235e-2, subsection 3, and 3235e-4, subsection 3, of the Kentucky Statutes, Carroll's 1922 Edition, relating to teachers' insurance and annuity funds of cities of the second class.

2. S. B. 95. An Act to change the time of holding courts in the 24th Judicial District.

Ordered that said bills be printed and referred as follows, viz.:

1. To Committee on Education 1.

2. To Committee on Circuit Courts.

Upon a call of the Counties and Legislative Districts, the following bills were introduced, ordered printed and referred as follows, viz.:

By Mr. Gartin:

H. B. 299. An Act creating the office of Commissioner of Domestic Relations, providing for his appointment, defining his qualifications, term of office, power, duties and salary.

To Committee on Kentucky Statutes.

By same:

H. B. 300. An Act to authorize cities of the first, second, third and fourth class, to acquire water works and to issue bonds therefor, payable from the revenues of such works.

To Committee on Municipalities.

By same:

H. B. 301. An Act to amend section 606 subsection 1 of the Civil Code of Practice, relating to the competency of witness.

To Committee on Codes of Practice.

By Mr. Snyder:

H. B. 302. An Act relating to roads and highways and describing and fixing the projects to be added to the primary system of roads and highways.

To Committee on Roads and Highways No. 2.

By Mr. Buckman:

H. B. 303. An Act to amend and re-enact Chapter 158 of the Acts of the General Assembly of 1924, entitled "An Act to amend an act of the General Assembly of Kentucky, approved March 16, 1920, entitled 'An Act relating to roads and bridges, etc.,' and being Chapter 17 of the Acts of 1920, by revising and amending Project 46 of said Act," by adding thereto road extending from Taylorsville in Spencer County to West Point in Hardin County, by way of Waterford, Mt. Washington and Shepherdsville.

To Committee on Roads and Highways No. 2.

By Mr. Berryman:

H. B. 304. An Act to assist veterans, their widows and orphans of all wars in obtaining aid from the Federal and State Governments, creating for that purpose the Veterans of Foreign Wars Relief Board, and appropriating funds therefor; providing maintenance of an office and Secretary to carry on the work of said board and declaring an emergency to exist.

To Committee on Military Affairs.

By same:

H. B. 305. An Act repealing section 1213a of chapter 36, subdivision 1, of the Acts of 1914, and re-enacting in lieu thereof an entire new paragraph relating to checks, drafts or order for money drawn without funds—penalty.

To Committee on Criminal Law.

By Mr. Vallandingham:

H. B. 306. An Act to amend and re-enact subsections 7 and 8 of section 1 of Chapter 106 of the Acts of the General Assembly of 1924, being an Act entitled "An Act relating to public health: amending, revising and re-enacting Chapter 111 of the Acts of the General Assembly of 1912; being section 4711b of the Kentucky Statutes, Carroll's Edition; and also amending, revising and re-enacting Section 4 of Chapter 64 of the Acts of the General Assembly of 1918, being an act entitled 'An Act relating to public health, repealing, amending and re-enacting sections 2054, 2059, 2060 and 2061 of the Kentucky Statutes, Carroll's Edition of 1915, relating to the State Board of Health.' "

To Committee on Tuberculosis.

By same:

H. B. 307. An Act further defining duties of the Department of Education, relating to the employment and qualifications of public school employees.

To Committee on Kentucky Statutes.

By Mr. Moore:

H. B. 308. An Act to restrain any person from making slanderous, or malicious attacks against people or children of such people who have been united in marriage by any legally constituted authority.

To Committee on Executive Affairs.

By Mr. G. C. Johnson:

H. B. 309. An Act to amend section 4368, Kentucky Statutes, Carroll's Edition, 1922, relating to the teaching of sectarian, infidel or immoral books in the common schools of this Commonwealth.

To Committee on Kentucky Statutes.

By Mr. Jones:

H. B. 310. An Act to authorize the Governor to appoint a Commissioner of Pardons.

To Committee on Kentucky Statutes.

By same:

H. B. 311. An Act to amend chapter 108, Acts of the General Assembly of the Commonwealth of Kentucky, for year of 1922, relating to the classification of cities and towns.

To Committee on Classification of Cities and Towns.

By same:

H. B. 312. An Act to repeal, re-enact, amend and extend section 1309, Ky. Statutes (Carroll's 1915 Edition) relating to carrying concealed upon or about one's person a deadly weapon other than an ordinary pocket knife. Requiring all owners of revolvers or pistols, except regular dealers engaged in the sale of the same, to register ownership and transfer with county court clerk in the county of their residence. Fixing fees for registration and transfer to be paid by owner; appropriating a portion of fees to county common school purposes; providing for the confiscation and destruction of pistols and revolvers; making it unlawful for any one to sell or lend to a minor a pistol or revolver and fixing penalties for violation thereof, and providing county judge may issue permits to carry concealed deadly weapons.

To Committee on Criminal Law.

By Mr. Coots:

H. B. 313. An Act making it unlawful to compel the principals of marriage to contract that the liberty of choice in matters of religion shall be denied children who shall result from such marriage, or to require that such children be brought up in the faith of either parent.

To Committee on Kentucky Statutes.

By Mr. Gnau:

H. B. 314. An Act creating a rule of evidence in the trial of any case involving the ownership, possession, operation or use of a motor vehicle; making it prima facie evidence that the person in whose name a motor vehicle is licensed with the State is the one operating same.

To Committee on Motor Transportation.

By same:

H. B. 315. An Act defining the civil liability of owners of motor vehicles for damages caused by the negligence of their agents or servants, or by persons, or their agents or servants entrusted by the owner with the use or possession of such motor vehicle.

To Committee on Kentucky Statutes.

By same:

H. B. 316. An Act to amend sections 4, 12, 16 and 18 of chapter 33 of the Acts of the General Assembly of Kentucky of 1916 entitled: "An Act to provide an elective system of

Workmen's Compensation for industrial accidents," and the same act as amended by chapter 176 of the Acts of the General Assembly of Kentucky for the year 1920, and the same act as amended by chapter 50 of the Acts of the General Assembly of Kentucky for the year 1922, and the same act as amended by chapter 70 of the Acts of the General Assembly for the year 1924, said sections to be amended are 4883, 4893, 4897 and 4899, Carroll's Statutes of Kentucky.

To Committee on Compensation for Industrial Injuries.

By Mr. Fowler:

H. B. 317. An Act creating a lien on motor vehicles for death or injuries to person or property by reason of the negligent operation thereof; making said lien superior to all other mortgages, liens or debts on said vehicle, except liens for taxes or licenses; and providing for the recording of said liens.

To Committee on Kentucky Statutes.

By Mr. Leibson:

H. B. 318. An Act to amend section 561 of Kentucky Statutes, 1915 Edition, pertaining to the dissolution of corporations.

To Committee on Kentucky Statutes.

By Mr. Hayse:

H. B. 319. An Act to amend "An Act releting to the destroying of election ballot stubs" being chapter 70 of the Acts of the General Assembly of the Commonwealth of Kentucky, 1918.

To Committee on Suffrage and Elections.

By same:

H. B. 320. An Act to regulate constables by requiring them to keep and maintain their offices, headquarters or places of business in districts where elected and penalty for failure.

To Committee on Executive Affairs.

By same:

H. B. 321. An Act regulating magistrates' courts as prescribed by section 142 of the Constitution of the Commonwealth of Kentucky.

To Committee on County and City Courts.

By same:

H. B. 322. An Act to repeal and re-enact section 440, Carroll's Kentucky Statutes, 6th Edition, 1922.

To Committee on County and City Courts.

By Mr. Watts:

H. B. 323. An Act to provide for the constitution and appointment of a Board to be known as the Air Board of Kentucky, to have general supervision of aviation and the establishment and maintenance of the air ports, routes and aviation fields in the State of Kentucky, and making an appropriation therefor and further to enable cities, counties and towns to establish and maintain either alone, in conjunction with the State Board or in conjunction with other cities, towns and counties air ports and avaiation fields and to authorize such cities, towns and counties to lay and collect a tax for the purchase and maintenance of same.

To Committeee on Military Affairs.

By Mr. Baldridge:

H. B. 324. An Act authorizing the County Boards of Education to supply school books free of charge to pupils whose parents or guardians are unable to purchase same.

To Committee of Kentucky Statutes.

By same:

H. B. 325. An Act to repeal an Act of the General Assembly of 1887-1888 incorporating the town of Eden, Martin County, Kentucky.

To Committee on Municipalities.

By Mr. Cushing:

H. B. 326. An Act to regulate the procuring of licenses for the operation of Billiard, Pool and similar tables and fixing the penalty for permitting minors to play thereon or loiter about the premises.

To Committee on Criminal Law.

By Mr. Carson:

H. B. 327. An Act to amend and re-enact Sections 3618 and 3619 of the Kentucky Statutes, Carroll's Edition, regulating the election and tenure of officers for cities of the fifth class.

To Committee on Cities of 4th an 5th Classes.

By Mr. Meyers:

H. B. 328. An Act to repeal and re-enact Section 130 of Kentucky Statutes, 1915 Edition, relating to the duties of County Attorneys so as to make the provisions thereof applicable to Commonwealth's Attorneys and to provide for a forfeiture of all per centums of such judgments in the event of a failure to perform the duties so required.

To Committee on Circuit Courts.

By same:

H. B. 329. An Act designating the 3rd day of June of each year a legal holiday, to be known as "Confederate Memorial Day."

To Committee on Confederate Homes.

By same:

H. B. 330. An Act making it a misdemeanor and imposing a penalty on any county, district, or state officer of this Commonwealth or on any person for releasing a prisoner from any county jail of the Commonwealth while confined under judgment of a court of the Commonwealth.

To Committee on Judiciary.

By Mr. Park:

H. B. 331. An Act relating to State Normal Schools and Teachers' Colleges; providing for the granting of teachers' certificates upon credentials; empowering Boards of Regents of State Normals Schools to confer certificates and degrees; repealing, amending and re-enacting Subsection (g) Chapter 55 and Section 10 of Chapter 60 of the Acts of the General Assembly of 1924.

To Committee on Normal Schools.

By Mr. Peters:

H. B. 332. An Act to repeal and re-enact Section 4248 of the Kentucky Statutes, 1915 Edition, relating to penalties for failure and neglect of certain officers to keep certain records and file certain reports so as to make such penalties applicable to county judges, police judges, and justices of the peace of this Commonwealth who fail to keep such records and file such reports as required by law.

To Committee on County and City Courts.

By Mr. Doss:

H. B. 333. An Act to amend Section 1845 Kentucky Statutes, relating to Compensation of members of Fiscal Court.

To Committee on County and City Courts.

By same:

H. B. 334. An Act establishing State Primary Road Project — same being a road from Frankfort via Honey Suckle, Jacksonville, Elmburg, Pleasureville and New Castle.

To Committee on Roads and Highways No. 2.

By Mr. Milliken:

H. B. 335. An Act in regard to wills.

To Committee on Kentucky Statutes.

By Mr. Strange:

H. B. 336. An Act relating to revenue and taxation; providing for the imposition of a state license or occupation tax

on all persons, firms, associations or corporations engaged in mining or producing coal in this State; providing that counties may impose a like tax; providing the manner for assessing and collecting same; prescribing penalties for the violation thereof.

To Committee on Revenue and Taxation No. 1.

By Mr. S. K. Holland:

H. B. 337. An Act to amend Section 5, of Chapter 17 of the Acts of the General Assembly of 1920, which is Section 4356t-5 of Carroll's 1922 Kentucky Statutes, relating to roads and highways and establishing and creating Project No. 2½b.

To Committee on Roads and Highways No. 2.

By Mr. Gartin:

H. B. 338. An Act to repeal Section 3104 of the Kentucky Statutes, Carroll's Edition 1922, relating to the "net revenue" derived by any city of the second class from its water works.

To Committee on Cities of Second and Third Class.

By same:

H. B. 339. An Act to amend Section 965, Kentucky Statutes, 6th Edition, 1922, and changing the time of holding court in the 20th Judicial District of Kentucky, composed of Greenup and Lewis counties and fixing the time therefor, relating to circuit courts, and declaring an emergency.

To Committee on Circuit Courts.

By Mr. Gnau:

H. B. 340. An Act to amend and re-enact Section 2739g-62 of Carroll's Kentucky Statutes, Sixth Edition, pertaining to motor vehicles.

By Mr. Peters:

H. B. 341. An Act to repeal and re-enact Section 4243 of the Kentucky Statutes, 1915 Edition, relating to records to be kept by the clerk of the circuit and county courts and the trustees of the jury fund so as to make same applicable to county judges, police judges and justices of the peace of the Commonwealth.

To Committee on County and City Courts.

By same:

H. B. 342. An Act to repeal and re-enact Section 4246 of the Kentucky Statutes, 1915 Edition, relating to reports to be made by the circuit court clerk to the Auditor of Public Accounts and imposing the same duties upon county judges, police judges, and justices of the peace of the Commonwealth.

To Committee on County and City Courts.

The Committees to which the same had been referred, reported bills of the following titles, viz.:

By Mr. Leslie of the Committee on Public Health:

H. B. 57. An Act relating to the creation of water districts in counties of the state, and providing for the establishment, construction, or purchase of a water system, for the purpose of furnishing water to the inhabitants thereof; proscribing the methods of expenditure, the assessment and collection of costs and expenses thereof, providing for the appointment of commissioners and prescribing their duties and providing for the payment of employees and officers, the

issuing and selling of district bonds with which to secure funds to defray the costs and expenses of any such improvements, repealing an Act, entitled "An Act providing for the creation of water districts, etc.," approved March 25, 1924.

By Mr. Milliken of the Committee on Revenue and Taxation No. 1:

H. B. 77. An Act relating to revenue and taxation, imposing an excise tax on gasoline and other liquid fuels.

With an Amendment thereto by way of Substitute therefor.

By Mr. Smith of the Committee on Insurance, Life and Accident:

H. B. 147. An Act relating to the taxation of domestic life insurance companies.

With the expression of opinion that said bills ought to pass.

Said bills were severally read at length the first time and ordered to be placed on the Calendar.

Mr. H. B. Holland of the Committee on Enrollments reported that they had examined and found to be correctly enrolled a resolution entitled:

S. Res. 11. Joint Resolution appropriating out of the State Treasury sufficient amounts for the use and benefit of the House of Representatives and the Senate to meet the current and necessary expenses of these two Houses during the present session of the General Assembly.

Whereupon all other business was suspended and said resolution was read at length and compared in open House and found to be correctly enrolled.

Thereupon the Speaker in open session and in the presence of the House, affixed his signature thereto.

Ordered that said resolution be delivered to the Enrolling Clerk of the Senate.

Mr. Milliken moved that the substitute heretofore offered by the Committee on Revenue and Taxation No. 1 for a bill entitled:

H. B. 77. An Act relating to revenue and taxation, imposing an excise tax on gasoline and other liquor fuels,

Be ordered printed.

Said motion was agreed to.

Mr. Dorman moved that the session of today be extended indefinitely.

Said motion was agreed to.

The House took up for consideration from the Calendar, bills of the following titles, viz.:

H. B. 139. An Act to appropriate $10,000 for the purpose of building a road from the public highway to the Perryville Battlefield and to provide for the erection of a caretaker's House thereon, and to provide for the maintenance and improvement of the monument and surrounding grounds.

H. B. 93. An Act to amend Section 3642 of the Kentucky Statutes, Carroll's 1915 Edition, relating to violation of city ordinances and that all fines and forfeitures shall go to the city of the 5th and 6th classes.

H. B. 140. An Act to limit the amount of commission to be charged by and paid to fire insurance agents doing business

in this State at not exceeding 25% of the premium charged and fixing the penalty for the violation of this act.

H. B. 141. An Act to provide for licensing of non-resident brokers and fixing penalty for violation thereof.

H. B. 142. An Act to amend and re-enact Section 717 of the Kentucky Statutes, John D. Carroll's 1915 Edition, relating to the examination of assessment fire insurance companies.

H. B. 165. An Act to amend and re-enact section 723 of the Kentucky Statutes, Carroll's Sixth Edition of 1922, being an Act of the General Assembly of the Commonwealth of Kentucky entitled "An Act to authorize fidelity and guarantee companies of other states to transact surety business in the State of Kentucky," approved April 14, 1892.

H. B. 71. An Act regulating the time of holding justices' courts in cities of the fourth class in this Commonwealth.

H. B. 126. An Act to repeal and re-enact section 3563 of Carroll's 1922 Edition of the Kentucky Statutes as amended by Chapter 97 of the Acts of the General Assembly of Kentucky of 1924, secs. 3570 and 3574 of Carroll's 1922 Edition of the Kentucky Statutes, relating to the control and improvement of public streets, alleys, sidewalks, roads, lanes, avenues, highways and thoroughfares, in cities of the fourth class.

H. B. 94. An Act to amend and re-enact both the title to and the act itself of an act entitled "An Act relating to registration for elections in cities and towns having a population of 5,000 inhabitants or more," so that said title will read "An Act relating to registration of voters for elections in all cities and towns of the first, second, third and fourth classes

in this Commonwealth," and the body of the act will read as set out herein.

H. B. 91. An Act to amend and re-enact section four thousand eight hundred and twenty-one of Carroll's Kentucky Statutes, one thousand nine hundred and twenty-two edition, relating to weights and measures.

H. B. 101. An Act to amend and re-enact Section 5 of the act entitled "An Act to provide for the establishment and maintenance in counties which contain a city of the first class, of a hospital for the treatment of persons affected with tuberculosis," approved March 17, 1906, as amended by an act approved March 14, 1912.

H. B. 64. An Act to enable cities of all classes to adopt and operate under the city manager form of government, and amending sections 3235c-1, 3235c-2 and 3235c-3 of Carroll's Kentucky Statutes, relating to municipalities of all classes.

With Committee Amendments thereto.

H. B. 117. An Act relating to revenue and taxation, fixing annual tax rate on unmanufactured agricultural products.

With an Amendment thereto by way of Substitute therefor.

H. B. 162. An Act to accept the provisions of an Act passed by the Congress of the United States and approved February 24, 1925, to authorize the more complete endowment of Agricultural Experiment Stations and for other purposes.

H. B. 145. An Act making an appropriation of $5,000 00 a year for each of the fiscal years 1926-1927 and 1927-1928 to the Bourbon Stock Yards Fat Stock Show Association of Louisville, Kentucky, to meet the premium expenses thereof for the fiscal years ending June 30, 1927 and June 30, 1928.

H. B. 68. An Act relating to municipal bonds in municipalities of the fourth (4), fifth (5) and sixth (6) class, and providing for their maintenance.

H. B. 74. An Act authorizing corporations to issue stock without nominal or par value.

H. B. 48. An Act to amend and re-enact Section 1055 of the Kentucky Statutes, (Carroll's 1915) providing for the record books of the judge of the quarterly court and said quarterly court; providing for the appointment of the clerk and deputies of said court, their compensation and the disposition of fees from said court, with certain provisions regarding same, applicable only to counties having a population of one hundred and fifty thousand (150,000) or more.

With an Amendment thereto.

H. B. 78. An Act to amend and re-enact Section 1744, Chapter 47, Kentucky Statutes, Carroll's Edition, 1922, which Chapter is entitled "fees".

H. B. 89. An Act repealing and re-enacting section 1164, Kentucky Statutes, relating to store robbery, etc.

H. B. 150. An Act to amend and re-enact Section 1169 of the Kentucky Statutes, Edition of John D. Carroll, of 1915, relating to the burning of warehouse, barn, other house or personal property, by inserting therein the words "or stock of goods, wares or merchandise, or household goods or any articles of personal property," and the word "automobile."

H. B. 16. An Act to repeal and re-enact Chapter 8 of the Acts of the General Assembly of 1914, being Section 1213a Kentucky Statutes, 1922 Edition, and being entitled an Act to regulate the making, drawing, uttering or delivering of checks, drafts or orders for the payment of moneys, and fixing

the penalties for violation of same, known as the cold check law.

With amendments thereto.

H. B. 168. An Act to require, in all cities of the First and Second Class of this Commonwealth, the proper construction, use and maintenance of scaffolding, counter-floors, staging, rigging, etc., in all construction work, providing for the punishment, for the appointment of a chief safety inspector of scaffolding and counter-floors in construction work and a deputy inspector in cities of the first and second class, prescribing the duties of said safety inspector of scaffolding and counter-floors in construction work and repealing all laws inconsistent herewith.

H. B. 109. An Act amending Sec. 20, Chapter 14, Acts of the General Assembly of 1920, defining the method of procedure in School Bond Elections in cities of the fourth class and enacting in lieu thereof the following section defining the method of procedure in school bond elections in such cities.

H. B. 127. An Act to prohibit the owner of real property from failing to apply the proceeds of the sale thereof or loan thereon to the payment of the amounts owing for labor or materials used in the erection, repair or improvement of any structure thereon, and prescribing a penalty for the violation thereof.

With Committee Amendment thereto.

H. B. 128. An Act to require persons building, repairing or improving property for others to apply money received from the owner to the payment of bills for labor or material and providing a penalty for the violation thereof.

H. B. 123. An Act to provide for the establishment of a State Normal School for the training of white elementary teachers, and appropriating moneys for maintenance and operation thereof.

H. B. 112. An Act defining size of type to be used in printed portion of a recordable instrument.

H. B. 135. An Act authorizing the court in which any judgment has been or may hereafter be rendered imposing a fine and imprisonment or a fine or imprisonment for misdemeanor or the judge thereof in vacation to suspend the enforcement of such judgment or any part thereof in certain cases.

H. B. 118. An Act to repeal Section 68b-4, Kentucky Statutes, Carroll's 1922 Edition, relating to dog license tax.

Ordered that said bills be read the second time.

The Constitutional provision as to the second reading of said bills at length being dispensed with, they were read the second time by their titles only.

Ordered that said bills be placed in the Orders of the Day.

The House took up from the Orders of the Day a bill entitled:

H. B. 19. An Act to amend and re-enact Section 2260, Kentucky Statutes, 1922 edition, in relation to compensation of petit jurors in circuit and inferior courts.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 2260 Kentucky Statutes, 1922 Edition, by Hon. John D. Carroll, be amended by striking therefrom

the word "Two" where it appears before the word "Dollars" in said section, and inserting in lieu thereof the word "Three," so that said section when amended shall read as follows:

Sec. 2260. Jurors in the circuit court shall receive Three Dollars ($3.00) per day, and when kept together overnight in custody of the sheriff, shall receive One Dollar ($1.00) additional for each night they are so kept together; and in courts inferior to the circuit courts, fifty cents ($0.50) for each case. In the circuit court a jury fee of Four Dollars ($4.00) shall be taxes as costs against the unsuccessful party; and in the other courts the cost of the jury shall be paid by the party demanding the jury, and shall be taxed as costs against the unsuccessful party; but in such courts, if the same juror serves on more than two juries in one day, he shall not be allowed anything for such excess.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	F. W. Bryant	Mormon B. Daniel
W. B. Ardery	J. R. Buckman	E. J. Doss
Wm. J. Arvin	W. G. Buckner	James M. Durham
W. O. Bach	S. J. Bunger	D. E. Edwards
A. J. Baldridge	W. A. Carson	J. O. Evans
J. H. Baughman	C. B. Carver	D. W. Fowler
L. D. Bax	Lonnie Cooper	Otto C. Gartin
W. B. Belknap	Fred H. Coots	C. C. Givens
Shaler Berry	J. D. Cox	F. A. Gnau
C. H. Berryman	J. S. Cruse	Whitsett Hall
D. F. Brown	W. J. Curtis	Lawrence Harmon
Geo. A. Brown	J. L. Cushing	J. F. Harrison

C. W. Hawkins	J. L. Manning	Smith Park
Goebel B. Henson	Joe Martin	Jas. J. Peters
H. M. Holbrook	Shelby Martin	Geo. W. Potter
H. B. Holland	A. M. Mercer	W. H. Pryor
S. K. Holland	H. J. Meyers	H. A. Pulliam
Ira L. Horne	H. H. Miller	Clint Raymer
J. C. Hutcherson	J. S. Milliken	R. R. Rogers
E. M. Johnson	T. R. Moore	Chas. L. Seale
Grover C. Johnson	B. T. Morris	W. R. Smith
W. W. Johnson	L. P. Murphy	E. J. Snyder
D. C. Jones	Chas. N. McCarty	Frank L. Strange
Mrs. H. G. Jorris	J. L. McDavid	J. L. Valandingham
J. R. Kelly	F. T. Nichols	C. D. Vincent
Thos. H. King	Caleb Page	W. S. Wallen
W. W. Leslie		—79

Those who voted in the negative were—

J. R. Dorman	Mac Swinford	Chiles Van Antwerp
R. E. Glenn		— 4

Resolved that the title thereof be as aforesaid.

Mr. Cushing moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The Committee on Confederate Home to which same had been recommitted with leave to report at any time, reported a bill entitled:

H. B. 23. An Act to amend and re-enact Section 415b-6 of the Kentucky Statutes, Carroll's Edition of 1922, relating to Confederate Soldiers, entitled "To Pensions."

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 415b-6 of Kentucky Statutes (Carroll Edition 1922), be, and the same is, hereby amended, by striking from the first paragraph thereof, the words "the sum of twelve dollars ($12.00) per month," and inserting in lieu thereof, "the sum of twenty dollars ($20.00) per month," so that when said section is amended the same shall read as follows:

"That any indigent or disabled person who has been an actual bona fide resident of this state continuously since January 1, 1907, and who did actual military service in the Confederate army from the day of his enlistment until the close of war or until he was honorably discharged as an officer or a private soldier or sailor in the military or naval service of the Confederate States of America in the war of 1861-5, or the widow of such officer or private soldier or sailor to whom he was married prior to January 1, 1890, and who was living with him as his lawful wife at the time of his death shall be paid out of the state treasury the sum of twenty dollars ($20.00) per month upon proof of the fact according to forms and regulations prescribed by this act and conditions prescribed therein; Provided, that any officer or private soldier or sailor who was prevented from so serving until the close of the war, or until he was honorably discharged by reason of wounds or disease contracted in line of duty, which rendered him unable to perform further military service, shall be entitled to the benefits of this act as though he had served until the close of the war or until honorably discharged; and provided, further, that any officer or private soldier or sailor who deserted or was dishonorably discharged, shall not be entitled to the benefits of this act unless he be re-enlisted or return to the service in the Confederate army and serve until the close of the war or until he was honorably discharged or was prevented from so serving by wounds received or disease contracted in line of duty which rendered him unable to perform further military service."

Mr. Milliken offered the following Amendment to said bill, viz.:

Amend H. B. 23 by striking out in line 12 the figures "1890" and inserting in lieu thereof the figures "1900."

Said Amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provisions as to the third reading of said bill at length being dispensed with and the same being engrossed, it was read the third time by its title and passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	Fred H. Coots	J. M. Hayse
W. B. Ardery	J. D. Cox	Goebel B. Henson
Wm. J. Arvin	J. S. Cruse	H. M. Holbrook
W. O. Bach	W. J. Curtis	H. B. Holland
A. J. Baldridge	J. L. Cushing	S. K. Holland
J. H. Baughman	C. L. Daly	Ira L. Horne
L. D. Bax	Mormon B. Daniel	J. C. Hutcherson
W. B. Belknap	J. R. Dorman	E. M. Johnson
Shaler Berry	E. J. Doss	Grover C. Johnson
C. H. Berryman	James M. Durham	W. W. Johnson
D. F. Brown	D. W. Fowler	D. C. Jones
Geo. A. Brown	Otto C. Gartin	Mrs. H. G. Jorris
F. W. Bryant	R. E. Glenn	W. O. Keller
J. R. Buckman	C. C. Givens	J. R. Kelly
W. G. Buckner	F. A. Gnau	Thos. H. King
S. J. Bunger	Whitsett Hall	W. W. Leslie
W. A. Carson	Lawrence Harmon	J. L. Manning
C. B. Carver	J. F. Harrison	Joe Martin
Lonnie Cooper	C. W. Hawkins	Shelby Martin

A. M. Mercer	W. J. McGill	E. J. Snyder
H. J. Meyers	Caleb Page	Frank L. Strange
H. H. Miller	Smith Park	Mac Swinford
J. S. Milliken	Jas. J. Peters	J. L. Valandingham
T. R. Moore	Geo. W. Potter	Chiles Van Antwerp
B. T. Morris	W. H. Pryor	C. D. Vincent
L. P. Murphy	R. R. Rogers	W. S. Wallen
Chas. N. McCarty	C. W. Ryans	T. B. Watts
J. L. McDavid	W. R. Smith	—83

Resolved that the title thereof be as aforesaid.

Mr. Vallandingham moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 83. An Act to amend Section 965 Carroll's Kentiucky Statutes, relating to the time of holding the terms of circuit court in the 33rd Judicial District composed of the counties of Perry and Leslie and declaring an emergency.

Mr. Holbrook moved that said bill be recommitted with leave to report at any time.

Said motion was agreed to.

Mr. Milliken moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

TUESDAY, FEBRUARY 2, 1926.

The House was opened with prayer by the Reverend Chesterfield Turner of the First Baptist Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

Lewis Allen	James M. Durham	H. J. Meyers
W. B. Ardery	J. O. Evans	H. H. Miller
Wm. J. Arvin	D. W. Fowler	J. S. Milliken
W. O. Bach	R. E. Glenn	T. R. Moore
A. J. Baldridge	C. C. Givens	B. T. Morris
J. H. Baughman	F. A. Gnau	Chas. N. McCarty
L. D. Bax	Whitsett Hall	J. L. McDavid
W. B. Belknap	Lawrence Harmon	W. J. McGill
T. H. Benton	J. F. Harrison	F. T. Nichols
Shaler Berry	C. W. Hawkins	Caleb Page
C. H. Berryman	J. M. Hayse	Smith Park
W. P. Bowman	Goebel B. Henson	J. J. Patterson
D. F. Brown	H. M. Holbrook	Jas. J. Peters
Geo. A. Brown	H. B. Holland	Geo. W. Potter
F. W. Bryant	S. K. Holland	W. H. Pryor
J. R. Buckman	Ira L. Horne	H. A. Pulliam
W. G. Buckner	J. C. Hutcherson	R. R. Rogers
S. J. Bunger	E. M. Johnson	Philip J. Ryan
W. A. Carson	Grover C. Johnson	C. W. Ryans
C. B. Carver	W. W. Johnson	Chas. L. Seale
Lee Clark	D. C. Jones	M. G. Slusher
Lonnie Cooper	Mrs. H. G. Jorris	W. R. Smith
Fred H. Coots	W. O. Keller	E. J. Snyder
J. D. Cox	Thos. H. King	Frank L. Strange
J. S. Cruse	Oscar Leibson	J. G. Swearengin
W. J. Curtis	W. W. Leslie	Mac Swinford
J. L. Cushing	Leon P. Lewis	J. L. Valandingham
C. L. Daly	J. L. Manning	Chiles Van Antwerp
Mormon B. Daniel	Joe Martin	C. D. Vincent
J. R. Dorman	Shelby Martin	W. S. Wallen
E. J. Doss	A. M. Mercer	T. B. Watts

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. Glenn moved that the privileges of the floor be granted to Hon. P. A. Day, former member of this House.

Said motion was agreed to.

Mr. Nichols moved that Miss Lucile Pryor be made an Honorary Page of this House for the session.

Said motion was agreed to.

Mr. Coots offered the following resolution, viz.:

Whereas the Kentucky Jockey Club and the political steersmen of the non-resident coal operators which dominate the interlocking lobby system of various Special Interests in Frankfort are satisfied with the existing laws of the State and seek to prevent any changes in law that will affect them. The Jockey Club is satisfied with the present gambling law. The coal operators are pleased with the present method of taxation. The telephone companies, bus corporations, railroad, ferry operators and other public utilities endeavor to obstruct further regulatory legislation. The text book lobby seeks to prevent the passage of any bill to bring cheaper text books, and

Whereas all of these interests help each other and have done so in previous sessions of the legislature, and

Whereas the strategy and method of operation of this political combine, headed by foreign coal corporations and the Kentucky Jockey Club, during past sessions of the legislature and during the present session, has been to cause adjournment as often as possible and for as long intervals as possible, and to engage the time of the legislature with inconsequential and unrelated matters, addresses by prominent citizens and other time-consuming practices, to the end that sixty days of the session may be cut to forty or less work days and that each work day be of as short duration as possible—all of which reduces the opportunities of the legislature to enact laws con-

trary to the designs of these special self-seeking political interest, and

Whereas the Journal shows that 90 per cent. of the legislature has in previous sessions been delayed until the last two weeks, after the 15 or 18 members of the rules committee have been given authority to decide what the legislature may or may not vote upon, and,

Whereas the members of the rules committee have in past sessions been so chosen as to adhere to the designs of these special political interest in refusing to call out any bills which are feared by such interest, and

Whereas, it has been the practice, during the last 15 days of former sessions after the lobby interest have gained a firm control through the power of their hand-picked rules committee, to then hold sessions until late at night and pass or kill necessary minor bills with immature consideration and limited debate, and,

Whereas, this session has been led into short daily session and frequent vacations in the same manner as past sessions, and, according to the practice of omitting Saturdays, only 16 days now remain before the rules committee takes charge, and even at this late day not a bill has yet passed both houses of the legislature and many important bills are pending,

Be It Resolved, That the rules of this House be amended to make the standing hour of adjournment 4:30 o'clock P. M., instead of 1 o'clock and that a standing recess from noon until 1 o'clock be a rule of the House, and furthermore,

Inasmuch, as a substantial number of members of this House have indicated a desire to be on record in the press and before the State as opposed to the domination of this political combine of the Kentucky Jockey Club, non-resident coal interest and subsidiary lobbies, be it furthermore resolved, that a roll call vote be taken on this resolution.

Mr. Jones moved that said resolution lie on the table.

Said motion was agreed to.

The yeas and nays being required thereon by Messrs. Coots and Meyers, were as follows, viz.:

Those who voted in the affirmative were—

W. B. Ardery	F. A. Gnau	H. H. Miller
L. D. Bax	Whitsett Hall	J. S. Milliken
Shaler Berry	Lawrence Harmon	T. R. Moore
C. H. Berryman	C. W. Hawkins	L. P. Murphy
D. F. Brown	J. M. Hayse	Chas. N. McCarty
J. R. Buckman	Goebel B. Henson	J. L. McDavid
W. G. Buckner	H. M. Holbrook	W. J. McGill
W. A. Carson	S. K. Holland	Caleb Page
Lee Clark	E. M. Johnson	Smith Park
Lonnie Cooper	D. C. Jones	J. J. Patterson
J. D. Cox	W. O. Keller	Geo. W. Potter
J. S. Cruse	J. R. Kelly	W. H. Pryor
W. J. Curtis	Oscar Leibson	R. R. Rogers
J. L. Cushing	W. W. Leslie	C. W. Ryans
C. L. Daly	Leon P. Lewis	M. G. Slusher
J. R. Dorman	J. L. Manning	W. R. Smith
James M. Durham	Joe Martin	J. G. Swearengin
Otto C. Gartin	Shelby Martin	C. D. Vincent
R. E. Glenn	A. M. Mercer	W. S. Wallen
C. C. Givens	H. J. Meyers	T. B. Watts

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Those who voted in the negative were—

Lewis Allen	C. B. Carver	W. W. Johnson
Wm. J. Arvin	Fred H. Coots	Thos. H. King
W. O. Bach	Mormon B. Daniel	Jas. J. Peters
A. J. Baldridge	E. J. Doss	H. A. Pulliam
J. H. Baughman	J. O. Evans	Clint Raymer
W. B. Belknap	D. W. Fowler	Chas. L. Seale
T. H. Benton	J. F. Harrison	E. J. Snyder
W. P. Bowman	H. B. Holland	Frank L. Strange
Geo. A. Brown	Ira L. Horne	Mac Swinford
F. W. Bryant	J. C. Hutcherson	J. L. Valandingham
S. J. Bunger	Grover C. Johnson	Chiles Van Antwerp

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Mr. Meyers moved that the vote by which said resolution was defeated be reconsidered and that said motion lie on the table.

Mr. Meyers qualified said motion with the statement that he, himself, did not believe said motion in accordance with Parliamentary Procedure.

The Speaker ruled that the point of order as raised by Mr. Meyers was well taken and further ruled that a motion to reconsider and table a proposition which had once been laid upon the table by a majority of the members elected was not in accordance with Parliamentary Procedure.

Mr. Strange moved that the Rules of this House be suspended and that a bill which was made a Special Order for today at eleven o'clock, entitled:

H. B. 34. An Act to repeal Section 10 Chapter 36 of the Acts of the 1920 General Assembly and providing for the election of County Superintendents of schools by the people,

Be taken up for consideration.

Together with an Amendment thereto by way of Substitute therefor as heretofore offered by Mr. Jones.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 10 of Chapter 36 of the Acts of 1920 be and the same is hereby repealed.

Be it further enacted that:

§ 2. At the regular November Election in 1929 and at the November Election every four years thereafter, a County Superintendent of Schools shall be elected by the qualified

voters of each county, qualified to vote in all school elections at the regular November election, provided by law and shall hold his office for four years from the first Monday in January following his election or until the election and qualification of his successor. The county superintendent shall be elected and the vote canvassed and the result certified by the same officers and in the same manner as in the election of other county officers, and within ten days after the election, the clerk of the county court shall forward a copy of the certificate of election to the superintendent of public instruction. In case of controverted right to the office of county superintendent, the superintendent of public instruction shall have power to recognize a superintendent from among the contestants until the case has been settled; *Provided,* That in counties containing cities of the first or second class, maintaining a system of public schools separate and distinct from the common schools of the county, the county superintendent shall reside in the portion of the county outside of such city or cities and be elected by the qualified voters of said county residing out of each city or cities.

Be it further enacted that:

§ 3. All county superintendents holding office at the time that this Act shall take effect, shall continue to serve to the end of the term for which they were oringinally appointed and until their successors are elected and qualified.

(For substitute see House Journal of January 28.)

Mr. Jones offered the following Amendments to said Substitute:

Amend Substitute for H. B. 34, by striking out of lines 16, 17 and 18 on page 2, of said bill, the following sentence or wording: "Provided that persons living in school districts in no way under the control or supervision of the county school superintendent, shall not be eligible to vote in the election of

a county school superintendent," and insert in lieu thereof the following:

"All legal voters residing in each county, except residents of the cities of the first, second and third class, shall have the right to vote in the election of county school superintendents."

Amend Substitute for H. B. 34 by striking out of lines 4 and 5 the following words: "and at the November election 1929."

Amend Substitute for H. B. 34 by striking out in lines 6 and 7 of paragraph 2, the following words:

"residing in the county school district provided by law."

Amend Substitute for H. B. 34 by striking out of lines 18, 19, 20 and 21 on page 2 the following words:

"No person shall be eligible to the office of County Superintendent of Schools, who is under twenty-five (25) years of age, and who does not hold a proper certificate in scholarship, administration and supervision, as provided by law,"

and insert in lieu thereof, the following:

"Any person shall be eligible to the office of County Superintendent of Schools, who is, at the time of his election, twenty-five (25) years of age, a citizen of Kentucky, and who has resided in the State one (1) year, next preceding his election, and who is a High School graduate, or who holds a first class teacher's certificate, and has been actually engaged in teaching for a period of not less than five (5) years."

"To entitle any person to have their name placed upon the ballot as a candidate for the office of County School Superintendent, he shall, not less than fifteen (15) days before the August Primary, file with the County Court Clerk, a verified

statement, setting out the fact that he is possessed of one or more of the qualifications prescribed in this act."

Amend Substitute for H. B. 34, by adding after the word "law" in line 53, on page 3, the following words:

"All laws and parts of laws in conflict herewith are hereby repealed."

Said Amendements were each and severally agreed to.

Mrs. Jorris offered the following Amendment to said Substitute, viz.:

Amend H. B. 34 by striking out of line 31, page 2, of printed bill, the words and figures "Twelve Hundred Dollars ($1200)" and insert in lieu thereof the words and figures "Fifteen Hundred Dollars ($1500)."

Said Amendment was disagreed to.

Mr. Belknap offered the following Amendment to said Substitute, viz.:

Amend Substitute to H. B. 34 by inserting the following before line 4, page 1:

"Each county shall enjoy local option in adopting or abandoning the provisions of this act, and prior to the election specified in this act the county judge shall, upon petition of 15% of the number of voters that voted in the last preceding general election, have taken the sense of the voters within the affected districts in an election according to the laws providing therefor, and the method of selecting the superintendent shall be in accord with the sense of the voters so taken."

Said Amendment was disagreed to.

Mr. Daniel offered the following Amendment to said Substitute, viz.:

Amend Substitute to H. B. 34 by striking out of line 4, page 1 the figures "1927" and substituting in lieu thereof the figures "1929."

Said Amendment was agreed to.

The yeas and nays being required thereon by Messrs. Swinford and Ardery, were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	D. E. Edwards	J. L. Manning
W. B. Ardery	J. O. Evans	Shelby Martin
W. O. Bach	D. W. Fowler	T. R. Moore
J. H. Baughman	Otto C. Gartin	L. P. Murphy
W. B. Belknap	R. E. Glenn	Chas. N. McCarty
Shaler Berry	F. A. Gnau	Caleb Page
C. H. Berryman	Whitsett Hall	Smith Park
W. P. Bowman	Lawrence Harmon	Geo. W. Potter
Geo. A. Brown	J. C. Hutcherson	H. A. Pulliam
W. G. Buckner	E. M. Johnson	Philip J. Ryan
Lee Clark	W. W. Johnson	C. W. Ryans
Fred H. Coots	Mrs. H. G. Jorris	M. G. Slusher
W. J. Curtis	W. O. Keller	Frank L. Strange
C. L. Daly	J. R. Kelly	Mac Swinford
Mormon B. Daniel	Thos. H. King	Chiles Van Antwerp
J. R. Dorman	Oscar Leibson	C. D. Vincent
E. J. Doss	Leon P. Lewis	

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Those who voted in the negative were—

Wm. J. Arvin	S. J. Bunger	C. C. Givens
A. J. Baldridge	W. A. Carson	J. F. Harrison
L. D. Bax	C. B. Carver	C. W. Hawkins
T. H. Benton	Lonnie Cooper	Goebel B. Henson
D. F. Brown	J. D. Cox	H. M. Holbrook
F. W. Bryant	J. L. Cushing	H. B. Holland
J. R. Buckman	James M. Durham	S. K. Holland

Ira L. Horne	B. T. Morris	Chas. L. Seale
Grover C. Johnson	J. L. McDavid	W. R. Smith
D. C. Jones	W. J. McGill	E. J. Snyder
W. W. Leslie	F. T. Nichols	J. G. Swearengin
Joe Martin	J. J. Patterson	J. L. Valandingham
A. M. Mercer	Jas. J. Peters	W. S. Wallen
H. J. Meyers	W. H. Pryor	T. B. Watts
H. H. Miller	Clint Raymer	
J. S. Milliken	R. R. Rogers	

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Mr. Strange moved that the session of today be extended indefinitely.

Said motion was agreed to.

Mr. Berry moved that the House do now resolve itself into a Committee of the Whole for the purpose of hearing the Hon. McHenry Rhoads, Superintendent of Public Instruction, discuss said bill.

Said motion as agreed to.

Thereupon the Speaker vacated the Chair and designated Mr. Milliken as Chairman of the Committee of the Whole.

After a time the Speaker resumed the Chair and Mr. Milliken of the Committee of the Whole House reported that they had listened with pleasure to the remarks of Professor Rhoads.

Mr. Belknap moved the previous question.

Said motion was agreed to.

The Substitute as offered by Mr. Jones was then adopted as amended.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, it was read the third time by its title and passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	C. C. Givens	H. H. Miller
Wm. J. Arvin	Lawrence Harmon	J. S. Milliken
A. J. Baldridge	J. F. Harrison	B. T. Morris
J. H. Baughman	C. W. Hawkins	J. L. McDavid
L. D. Bax	J. M. Hayse	F. T. Nichols
T. H. Benton	Goebel B. Henson	J. J. Patterson
D. F. Brown	H. M. Holbrook	Geo. W. Potter
Geo. A. Brown	H. B. Holland	W. H. Pryor
F. W. Bryant	S. K. Holland	Clint Raymer
J. R. Buckman	Ira L. Horne	R. R. Rogers
S. J. Bunger	Grover C. Johnson	Philip J. Ryan
W. A. Carson	W. W. Johnson	C. W. Ryans
Lee Clark	D. C. Jones	Chas. L. Seale
Lonnie Cooper	Mrs. H. G. Jorris	W. R. Smith
J. D. Cox	W. W. Leslie	E. J. Snyder
J. L. Cushing	J. L. Manning	Frank L. Strange
Mormon B. Daniel	Joe Martin	J. G. Swearengin
E. J. Doss	A. M. Mercer	J. L. Valandingham
James M. Durham	H. J. Meyers	W. S. Wallen

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Those who voted in the negative were—

W. B. Ardery	W. P. Bowman	C. L. Daly
W. O. Bach	W. G. Buckner	J. R. Dorman
W. B. Belknap	C. B. Carver	D. E. Edwards
Shaler Berry	Fred H. Coots	J. O. Evans
C. H. Berryman	W. J. Curtis	D. W. Fowler

Otto C. Gartin	Oscar Leibson	Jas. J. Peters
R. E. Glenn	Leon P. Lewis	H. A. Pulliam
F. A. Gnau	Shelby Martin	M. G. Slusher
Whitsett Hall	T. R. Moore	Mac Swinford
J. C. Hutcherson	L. P. Murphy	Chiles Van Antwerp
E. M. Johnson	Chas. N. McCarty	C. D. Vincent
W. O. Keller	W. J. McGill	T. B. Watts
J. R. Kelly	Caleb Page	
Thos. H. King	Smith Park	

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Mr. Jones offered the following Amendment to said title, viz.:

Amend Substitute for H. B. 34 by strinking out of line 5, of the title of said bill, the following words: "School District."

Said Amendment was agreed to.

Resolved that the title thereof be as amended.

Mr. Jones moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Pulliam moved that the House do now recess until two o'clock P. M.

Said motion was agreed to.

The hour of two o'clock P. M. having arrived, the Speaker resumed the Chair and called the House to order.

A message was received from the Senate announcing that they had passed resolution of the following titles, viz.:

S. Res. 9. Resolution providing for investigation of Charitable and Penal Institutions of State and report on same, etc.

S. Res. 12. Concurrent resolution providing for the rejection of the proposed 20th Amendment of the Constitution of the United States, being the so-called Child Labor Amendment to said Constitution.

Ordered that said resolutions be referred

To the Committee on Rules.

Mr. Cushing moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

WEDNESDAY, FEBRUARY 3, 1926.

The House was opened with prayer by the Reverend F. M. Tinder of the Christian Church of North Middletown, Kentucky.

The roll was called and the following members answered to their names, viz.:

Lewis Allen	C. H. Berryman	Fred H. Coots
W. B. Ardery	W. P. Bowman	J. D. Cox
Wm. J. Arvin	D. F. Brown	J. S. Cruse
W. O. Bach	Geo. A. Brown	W. J. Curtis
A. J. Baldridge	F. W. Bryant	J. L. Cushing
J. H. Baughman	W. G. Buckner	C. L. Daly
L. D. Bax	S. J. Bunger	Mormon B. Daniel
W. B. Belknap	W. A. Carson	J. R. Dorman
T. H. Benton	Lee Clark	E. J. Doss
Shaler Berry	Lonnie Cooper	James M. Durham

D. E. Edwards
J. O. Evans
D. W. Fowler
Otto C. Gartin
R. E. Glenn
C. C. Givens
F. A. Gnau
Whitsett Hall
Lawrence Harmon
J. F. Harrison
C. W. Hawkins
J. M. Hayse
Goebel B. Henson
H. M. Holbrook
H. B. Holland
S. K. Holland
Ira L. Horne
J. C. Hutcherson
E. M. Johnson
Grover C. Johnson
W. W. Johnson
D. C. Jones
Mrs. H. G. Jorris
W. O. Keller
J. R. Kelly
Thos. H. King
Oscar Leibson
W. W. Leslie
Leon P. Lewis
J. L. Manning
Joe Martin
Shelby Martin
A. M. Mercer
H. J. Meyers
H. H. Miller
J. S. Milliken
T. R. Moore
B. T. Morris
L. P. Murphy
Chas. N. McCarty
J. L. McDavid
W. J. McGill
F. T. Nichols
Caleb Page
Smith Park
J. J. Patterson
Jas. J. Peters
Geo. W. Potter
W. H. Pryor
Clint Raymer
R. R. Rogers
Philip J. Ryan
C. W. Ryans
Chas. L. Seale
M. G. Slusher
W. R. Smith
E. J. Snyder
Frank L. Strange
J. G. Swearengin
Mac Swinford
J. L. Valandingham
Chiles Van Antwerp
C. D. Vincent
W. S. Wallen
T. B. Watts

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. Milliken moved that Mr. Bax be granted an indefinite leave of absence.

Said motion was agreed to.

Mr. Meyers offered a Joint Resolution entitled:

H. Joint Res. 8. Resolution providing for the appointment of two Senators and three Representatives to constitute a Committee of the General Assembly of the Commonwealth of Kentucky, to investigate the income, receipts and disbursements of the Covington and Cincinnati Bridge Company, a corporation.

Said resolution was referred to the Committee on Rules for immediate and original consideration.

Mr. Dorman moved that when this House has completed the orders of the introduction of bills and the reports of Standing Committees it do adjourn until the regular hour of meeting tomorrow.

Said motion was agreed to.

The Chief Clerk produced and read the following communication from the Hon. P. H. Wolford, Secretary to Governor Jackson of Indiana, viz.:

Hon. Chas. J. Howes, Chief Clerk
House of Representatives, Kentucky.

Dear Sir:

Governor Jackson has just left the city to attend the funeral of his aunt, and before leaving he directed me to advise you that on this account he would be unable to come to Frankfort to address the General Assembly in compliance with their cordial invitation. The Governor deeply regrets this disappointment, as he was looking forward with considerable pleasure to this opportunity of meeting with your General Assembly.

I would respectfully request that you submit this information to both branches of your General Assembly.

With highest personal esteem, I am,

Very truly yours,
P. H. Woolford, Sect'y.

Upon a call of the Counties and the Legislative Districts, the following bills were introduced, ordered printed and referred as follows, viz.:

By Mr. Berry:

H. B. 343. An Act pertaining to advertising and erection of Bill Boards upon and near public highways; the regulation thereof by the State Highway Commission; providing a license thereon and fixing penalties.

To Committee on Roads and Highways No. 1.

By Mr. McDavid:

H. B. 344. An Act to relieve voters of cities of the fourth class from the requirement to register as now prescribed by law.

To Committee on Kentucky Statutes.

By Mr. Keller:

H. B. 345. An Act to repeal and re-enact Section 2289 of the Kentucky Statutes, 1925 edition, relating to certain duties of the trustees of the jury fund and imposing a penalty for failure to perform such duties.

To Committee on Circuit Courts.

By same:

H. B. 346. An Act to repeal and re-enact Section 2286 of the Kentucky Statutes, 1915 Edition, relating to the duties of the trustees of the jury fund and clerks of all courts having jurisdiction to impose fines in favor of the Commonwealth so as to impose a penalty upon the officer failing to discharge the duty required in such section.

To Committee on Circuit Courts.

By Mr. Page:

H. B. 347. An Act to amend and re-enact Chapter 82 of the Acts of the General Assembly of the State of Kentucky for the year 1924, being Article 1, of Chapter 89, Sections 2740 and 2741, of the 1924 Supplement to Carroll's Kentucky Statutes, relating to classification of cities and towns.

To Committee on Classification of Cities and Towns.

By Mr. Cooper:

H. B. 348. An Act to amend and re-enact Section 2380-48 of Kentucky Statutes, Carroll's Edition 1922, relating to drainage of lands.

To Committee on Public Ditches.

By Mr. Berryman:

H. B. 349. An Act to amend and re-enact Section 1962 of the Kentucky Statutes, Carroll's 1915 Edition, and repealing all acts, or parts of acts, in conflict therewith.

To Committee on Kentucky Statutes.

By Mr. Mercer:

H. B. 350. An Act relating to revenue and taxation; imposing an excise or license tax upon sales and or distribution, by gift or sale, in this State of cigars, cigarettes, manufactured tobacco and snuff sold or distributed by any person, firm, association, joint stock company, syndicate or corporation in this State; providing for the collection of such tax, the use and distribution of the revenue derived therefrom; providing for the administration of said law, fixing the fines and penalties for the violation of this Act, methods, means and manner for its enforcement.

To Committee on Revenue and Taxation No. 1.

By same:

H. B. 351. An Act relating to revenue and taxation, and amending Section 1 and Section 6 of Chapter 116 of the Acts of the General Assembly of 1924; providing an annual tax upon property subject to taxation in this State, fixing the rate thereof, distributing said tax to various departments and State institutions; providing for the assessment and collection of taxes on omitted intangible personal property, fixing the penalties and interests due thereon; providing when certain rates of taxation shall become effective; defining "real estate" or "lands," "personal property" and "agricultural lands;" providing for the levying of a tax based on income of individuals, corporations, joint stock companies and associations; defining certain terms used in this Act; prescribing the deductions, expenses and credits allowed; fixing the rates thereof; distributing said tax, prescribing the uses thereof; providing manner and means of levying and collecting the tax due thereunder; prescribing methods and time for making returns and payment of the tax; fixing the penalties for the violation of this act; and repealing existing statutes.

To Committee on Revenue and Taxation No. 1.

By Mr. Swinford:

H. B. 352. An Act to repeal and re-enact Section 120 of the Kentucky Statutes, 1925 Edition, relating to the appointment of a Commonwealth's Attorney pro tem. and providing for compensation so as to deduct the amount so allowed to a Commonwealth's Attorney pro tem. from the compensation to be paid to the Commonwealth's Attorney.

To Committee on Judiciary.

By same:

H. B. 353. An Act to repeal and re-enact Section 131 of the Kentucky Stautes, 1915 Edition, relating to the appointment and compensation of a county attorney pro tem., and providing that such compensation shall be deducted from the compensation to be paid to the county attorney.

To Committee on Judiciary.

By Mr. Coots:

H. B. 354. An Act to provide for a Custodian for the Jefferson Davis Park and Monument, and to fix the salary for such custodian.

To Committee on Appropriation No. 1.

By same:

H. B. 355. An Act to appropriate $15,000.00 to complete the Jefferson Davis Monument and Park at Fairview, Kentucky.

To Committee on Appropriations No. 1.

By Mr. Cruse:

H. B. 356. An Act to amend and re-enact sections 3459F-1, 3459F-2 and 3459F-3 Kentucky Statutes, being Chapter 89, page 232 of Acts of the General Assembly of 1924, approved February 18, 1924, and providing for the construction of sewers in cities of third class and to provide for the payment for same and creating in lieu therefor upon the property benefited and repealing subsection 8 of section 3290, Kentucky Statutes, relating thereto.

To Committee on Cities of 2nd and 3rd Classes.

By same:

H. B. 357. An Act relating to the construction of streets, alleys, public ways, sewers, or other public improvements in cities of the third class and providing that such cities may issue improvement warrants to contractors as the work progresses, providing for the payment of such warrants and for a lien on the local taxes levied for such improvement to secure the payment of such warrants and providing that the city shall not be personally liable thereon.

To Committee on Cities of 2nd and 3rd Classes.

By same:

H. B. 358. An Act to amend and re-enact section 3354, subdivision 4, of the Kentucky Statutes, relating to the qualication of police or city judges.

To Committee on County and City Courts.

By Mr. Leslie:

H. B. 359. An Act to repeal Chapter 96 of the Acts of the General Assembly of 1920 entitled: "An Act to amend Section 4 of Chapter 118 of the session acts of 1918 entitled: "An Act to prescribe and provide a license tax upon all persons, firms or corporations standing a stud-horse, jack or bull in this Commonwealth, fixing the date of the expiration of licenses provided for, and providing the manner of registering and recording the breed, name, age, color, sire and dam of the animal to be licensed and fixing a fee for such registration, and fixing penalties for failure to provide licenses," and to amend Chapter 118 of the Acts of the General Assembly of 1918 entitled: "An Act to prescribe and provide a license tax upon all persons, firms or corporations standing a stud-horse, jack or bull in this Commonwealth, and fixing the

amount of said license, fixing the date of the expiration of the license provided for, and providing the manner for the registering and recording of the breed, name, age, color, sire and dam of the animal to be licensed, and fixing a fee for such registration, and fixing penalties for failure to procure licenses,'' so as to provide that any unexpended balance after deducting the cost of administration of this law shall be credited to the premium fund of the Kentucky State Fair, and to re-enact as amended the said Chapter 118 of the Acts of the General Assembly of 1918.

To Committee on State Fair.

By Mr. Fowler:

H. B. 360. An Act to amend and re-enact section 2711a-54 of the Kentucky Statutes in relation to certain members of the staff of the Adjutant General.

To Committee on Military Affairs.

By Mr. Lewis:

H. B. 361. An Act to provide for the creation and organization of a city planning and zoning commission for cities of the first class and surrounding territory.

To Committee on Municipalities.

By Mr. Hayse:

H. B. 362. An Act enabling cities of the first class, either independently or in conjunction with legally constituted authorities of an adjoining state, to build, construct, operate and maintain bridges across navigable streams, so as to connect such cities with an adjoining state; providing for a Kentucky Commission in such cities of the first class to build, construct,

operate, control and maintain such bridges and fixing the powers and duties of such Commission; providing that such bridges may be built, constructed, operated, controlled and maintained by a joint Commission selected from members of the Kentucky Commission and members of a similar Commission from an adjoining state, fixing the powers and duties of such Joint Commission; providing for and authorizing the voting of a bond issue by cities of the first class, the proceeds therefrom to be used for either building and constructing such bridges independently or for building and constructing same in conjunction with legally constituted authorities of an adjoining state.

To Committee on Public Bridges and Ferries.

By same:

H. B. 363. An Act regulating Magistrates' Courts as prescribed in Section 142 of the Constitution of the Commonwealth of Kentucky.

To Committee on County and City Courts.

By same:

H. B. 364. An Act providing for the construction and reconstruction of sidewalks and curbings along or over any boulevards, parkways, avenues, driveways, or other public park property which are under the control of the Board of Park Commissioners in cities of the first class, providing the manner in which such construction and reconstruction shall be made under the supervision of the Board of Public Works and prescribing the method by which the cost thereof shall be apportioned against contiguous property.

To Committee on Municipalities.

By same:

H. B. 365. An Act amending and re-enacting Section 2982, Kentucky Statutes, Carroll's Edition of 1922, being section 197 of the Act approved July 1, 1893, entitled "An Act for the Government of Cities of the First Class," as amended by Section 2 of the Act approved March 16, 1898, as amended by an Act approved March 23, 1922, and providing for the borrowing by such cities of funds for current fiscal needs and authorizing the Mayor of such cities to execute and deliver promissory notes for the sums so borrowed and the pledging of current taxes and revenues to secure such loans.

To Committee on Municipalities.

By Mr. Dorman:

H. B. 366. An Act to amend and re-enact Section 3 of Chapter 134 of the Acts of the General Assembly of 1912, entitled "An Act appropriating money for the erection of buildings and other improvements upon the State Fair Grounds and providing for the maintenance of same," so as to provide for an additional appropriation for the maintenance and improvement of State Fair property.

To Committee on Argiculture.

By Mr. Rogers:

H. B. 367. An Act to amend and re-enact Sections 3140 and 3138 Kentucky Statutes, Carroll's 1915 edition, being a part of the charter of cities of the second class, for the better government, administration and disposition and discipline of the police and fire department and to create and perpetuate a pension fund for disabled police and firemen, their widows and children and dependent fathers and mothers, and to create and perpetuate a Board of Trustees for the management and conduct thereof, and to pension members thereof after service of a term of years.

To Committee on Kentucky Statutes.

By Mr. Cushing:

H. B. 368. An Act to provide for support and maintenance of destitute mothers and children not entitled to age and schooling certificate.

To Committee on Juvenile Courts and Children's Homes.

By Mr. Meyers:

H. B. 369. An Act amending Subsection 1 of Section 4223-B, Kentucky Statutes, Carroll's Edition.

To Committee on Criminal Laws.

By same:

H. B. 370. An Act amending Subsection 6 of Section 3004-B of Kentucky Statutes, Carroll's Edition.

To Committee on Criminal Laws.

By same:

H. B. 371. An Act limiting the amount to be paid monthly and yearly to a county attorney of any county and to a commonwealth's attorney of any judicial district from a per centum of fines and forfeitures collected and paid into the State treasury to which such officials are entitled.

To Committee on Circuit Courts.

By Mr. Durham:

H. B. 372. An Act establishing as part of Primary System of State Highways of the Commonwealth of Ken-

tucky, Acts of 1920, Chapter 17, the road leading from Barbourville to the Whitley County Line.

To Committee on Roads and Highways No. 2.

By Mr. D. F. Brown:

H. B. 373. An Act to amend an act entitled, "An Act creating a Kentucky State Park Commission," passed and approved March 28, 1924.

To committee on State Parks.

By same:

H. B. 374. An Act to amend Chapter 112 1918 Kentucky Statutes, entitled "An Act to promote and protect live stock industries in Kentucky."

To Committee on Kentucky Statutes.

By Mr. Park:

H. B. 375. An Act providing that all policies of Life Insurance shall be incontestable after being in force for two years.

To Committee on Insurance, Life and Accident.

By same:

H. B. 376. An Act authorizing any corporation organized under the laws of the State of Kentucky to insure for its benefit, the life of any of its directors, officers and employees, and to pay, and to continue to pay the premiums therefor.

To Committee on Insurance, Life and Accident.

By same:

H. B. 377. An Act providing for the licensing of insurance adjusters and the revocation of such licenses and providing a penalty for the violation thereof.

To Committee on Insurance, Fire and Marine.

By Mr. Edwards:

H. B. 378. An Act to amend Chapter 17 of the Acts of the General Assembly of 1920, relating to roads and bridges.

To Committee on Roads and Highways No. 2.

By Mr. Peters:

H. B. 379. An Act limiting the amount to be paid to a county attorney and a county attorney pro tem. for any county to $5,000 per year and providing the manner and method for the payment of the per centum of fines and forfeitures out of the State treasury and fixing liability on the Auditor for any overpayment to such officer or officers.

To Committee on Circuit Courts.

By same:

H. B. 380. An Act to repeal and re-enact Section 378 of the Kentucky Statutes, 1915 edition, relating to the duties of clerks of courts so as to make same applicable to county judges, police judges and justices of the peace, and to provide for the signing of the order of final adjournment.

To Committee on Circuit Courts.

By same:

H. B. 281. An Act requiring county judges, police judges, justices of the peace, and clerks of the circuit courts

to keep a record book in which all judgments, civil and criminal, shall be entered and cross-indexed, and imposing penalties for failure so to do.

To Committee on Circuit Courts.

By Mr. Vincent:

H. B. 382. An Act to establish a State Trade and Training School for Negroes in the Section of Kentucky, known as Normal District No. 2; to create a Board of Regents for the General Management thereof; which shall determine the requirements for admission and graduation and the course of study for said school; to create a commission which shall determine the location of said school; and to appropriate funds for its maintenance.

To Committee on Appropriations No. 1.

By Mr. Benton:

H. B. 383. An Act establishing as a part of the primary system of highways a road from Centertown, via Matanzas, Point Pleasant and Island to Project No. 10 and designating the same as Project—.

To Committee on Roads and Highways No. 2.

By Mr. Belknap.

H. B. 384. An Act authorizing in each of the counties of Kentucky an agricultural extension association, etc.

To Committee on Agriculture.

By Mr. Martin:

H. H. 385. An Act relating to the banking and trust business, repealing and re-enacting Chapter 34 of the Acts

of 1914, which same is now Section 165a-20 of the Kentucky Statutes, 1922.

To Committee on Banks and Banking.

By same:

H. B. 386. An Act to repeal and re-enact Section 5 of Chapter 4, Acts of the General Assembly of 1914, relating to the State Banking Department, same being Section 165a-5, Kentucky Statutes.

To Committee on Banks and Banking.

By same:

H. B. 387. An Act to repeal and re-enact Section 10 of Chapter 4 of the Acts of the General Assembly of 1912, same being Section 165a-10, Kentucky Statutes, relating to Banks and Banking.

To Committee on Banks and Banking.

By same:

H. B. 388. An Act prescribing certain duties for each county court clerk of the Commonwealth of Kentucky to perform with reference to the tax books and prescribing his compensation therefor.

To Committee on County and City Courts.

By same:

H. B. 389. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

To Committee on Roads and Highways No. 2.

By Mr. Doss:

H. B. 390. An Act amending Section 4399a-9, Carroll's Edition, Kentucky Statutes, relating to settlement of the treasurer of the county board of education.

To Committee on Education No. 2.

By Mr. Glenn:

H. B. 391. An Act repealing and re-enacting Chapter 47, Acts of the General Assembly of 1922, same relating to banks and banking.

To Committee on Banks and Banking.

By same:

H. B. 392. An Act to repeal and re-enact Chapter 46 Acts of the General Assembly of 1922, relating to fees for examination of banks and trust companies.

To Committee on Banks and Banking.

By Mr. Strange:

H. B. 393. An Act to assist disabled United States Spanish War veterans and their dependents in obtaining from the Federal Government any relief authorized by Act of Congress, and creating for that purpose a voluntary commission and providing for its office expenses and the salary of the secretary.

To Committee on Military Affairs.

By Mr. Allen:

H. B. 394. An Act to establish State Primary Road Project —— to lead over the route from Glasgow, the county seat of Barren County, to a point in the West Dixie Highway, leading to Bowling Green in Warren County, Kentucky.

To Committee on Roads and Highways No. 2.

By Mr. Gartin:

H. B. 395. An Act to appropriate sixty-five thousand ($65,000) dollars to the Kentucky Branch of the National Congress of parents and teachers.

To Committee on Roads and Highways No. 2.

By Mr. Arvin:

H. B. 396. An Act to repeal Chapter 179, Acts of the General Assembly of 1924, establishing State Primary Road Project 41½

To Committee on Roads and Highways.

By same:

H. B. 397. An Act to regulate letting, hiring and using motor vehicles and to prevent the improper and unauthorized use of, or fraud, misrepresentation or deception by those letting or procuring such vehicles and fixing the penalties for violating.

To Committee on Criminal Law.

The Committees to which same had been referred reported bills of the following titles viz.:

By Mr. Murphy of the Committee on Agriculture:

H. B. 297. An Act to amend and re-enact Section 1376b-2, Kentucky Statutes, relating to agricultural seeds.

By Mr. Wallen of the Committee on Appropriations No. 2:

H. B. 208. An Act to amend and re-enact Sections 3, 4, 8 of an Act entitled an Act providing for the creation, control, disposition of a fund to be used in pensioning under certain conditions, policemen, and the families of deceased policemen, in cities of the first class, approved March 12, 1912.

By same:

H. Res. 4. Joint resolution for the benefit of the Hitchins Graded School of Hitchins, Kentucky.

By same:

H. Res. 5. Resolution for the benefit of D. Owen Robinson, of Frankfort, Kentucky.

By same:

H. B. 261. An Act to increase the daily compensation of members of the General Assembly and presiding officers of the Senate and House of Representatives.

By same:

H. B. 209. An Act for the benefit of the Kentucky School for the Blind.

By Mr. Martin of the Committee on Banks and Banking:

H. B. 120. An Act to amend and re-enact Chapter 43 of the Acts of the General Assembly of 1904 entitled "An Act to provide for more adequate punishment for bank robbery and safe blowing."

By Mr. Glenn of the Committee on Appropriations No. 1:

H. B. 113. An Act for the benefit of the Home for Incurables.

By Mr. Morris, of the Committee on Circuit Courts:

S. B. 8. An Act fixing the time for holding Circuit court in the 33rd Judicial District.

S. B. 45. An Act to change and fix the time, place and terms of court, in the 20th Judicial District.

H. B. 100. An Act to exempt from jury service officers of cemetery companies, of counties containing cities of the first class.

H. B. 95. An Act to change and fix the time and place of terms of court in the 20th judicial District composed of Greenup and Lewis counties.

By Mr. Cushing of the Committee on Cities of 2nd and 3rd Classes:

H. B. 79. An Act relating to the holding of circuit courts in counties having therein cities of the third class, or having therein portion of cities of a third class.

With an Amendment thereto by way of substitute therefor.

By Mr. Swinford of the Committee on Judiciary:

H. B. 164. An Act relating to rotating system of circuit judges.

H. B. 76. An Act to give to supersedeas bonds the force and effect of a judgment.

S. B. 41. An Act authorizing the restoration to sound mind, of persons who have been adjudged of unsound mind,

or who may be hereafter adjudged of unsound mind, so that persons who have been adjudged of unsound mind can, by proper judgment, be restored and given all the rights of persons of sound mind.

S. B. 30. An Act to repeal Section 1 of Chapter 221 entitled "An Act relating to courts of justice, being Section 949 Kentucky Statutes, 1922 Edition.

H. B. 152. An Act to amend Section 1376a of Kentucky Statutes, Carroll's Edition 1922, relating to wearing society badge by persons not members.

By Mr. Fowler of the Committee on Military Affairs:

S. B. 64. An Act to assist disabled ex-service men and women of the World War in obtaining from the Federal Government the relief authorized by Congress, continuing the Kentucky Disabled Ex-Service Men's Board and appropriating funds therefor.

H. B. 88. An Act to assist disabled ex-service men and women of the World War in obtaining from the Federal Government the relief authorized by Acts of Congress, continuing in existence for that purpose the Kentucky Distabled Ex-Service Men's Board and appropriating funds therefor; providing maintenance of an office and stenographic help to carry on work of said board, and declaring an emergency to exist.

By Mr. VanAntwerp of the Committee on Normal Schools:

H. B. 211. An Act to repeal and re-enact Chapter 33 of the Acts of the General Assembly of 1902 (p. 71) which is entitled "An Act to change the name of the State Normal School for colored persons, and regulate the conduct of same," same being Section 4527a Kentucky Statutes, 1915 Edition.

With the expression of opinion that said bills ought to pass.

Said bills and resolutions were each and severally read at length the first time and ordered to be placed on the Calendar.

The committees to which same had been referred, reported bills of the following titles, viz.:

By Mr. Hutcherson of the Committee on Suffrage and Elections:

H. B. 199. An Act relating to the time and place of holding primary elections.

By Mr. Ryan of the Committee on Kentucky Statutes:

H. B. 178. An Act providing for the protection of lawful creditors against loss in collection of moneys due them from unfaithful debtors.

By Mr. Swinford of the Committee on Judiciary:

H. B. 175. An Act prescribing the qualifications of deputy sheriff, deputy constable or patrolman in this State.

H. B. 177. An Act regulating and providing a license for the handling of trading stamps, coupons, premiums or other similar devices and providing a penalty for any violation thereof.

By Mr. Morris of the Committee on Circuit Courts:

H. B. 195. An Act to amend and re-enact Section 2253, Carroll's Kentucky Statutes, 6th Edition, 1922, relating to qualification and exemption of petit jurors.

By Mr. Pulliam of the Committee on Education No. 2:

H. B. 104. An Act relating to the establishment of graded common schools.

With the expression of opinion that said bills ought not to pass.

No further action having been taken by the House in regard to said bills and no motion having been made to advance said bills to a reading, the report of the committee to the contrary notwithstanding, it was ordered that said bills be not read the first time at length and so said bills were rejected.

Mr. Swinford of the Committee on Judiciary to which the same had been referred, reported a bill of the following title, viz.:

H. B. 250. An Act requiring that before a deed to real estate title to which has been acquired by the grantor or grantors therein by descent from an ancestor shall be filed for record, an affidavit shall be filed with the clerk of the county court of the county in which the land is located, showing the name and place of residence at time of death of such ancestor, that he or she died intestate, whether married or single at the time of death and if married the name of the surviving husband or wife, the names, ages and addresses, so far as known, of each of such ancestor's heirs, the relationship of each to said ancestor and the interest inherited by each, requiring the clerk to record and index such affidavit, fixing his fee for such, making it unlawful for the clerk to receive such deed for record until such affidavit is filed, and providing a penalty for violation thereof.

With the expression of opinion that said bill ought not to pass.

Mr. Milliken moved that said bill be advanced to its first reading, the report of the committee to the contrary notwithstanding.

Said motion was agreed to.

And so said bill was read the first time at length and ordered to be placed on the Calendar.

And so the House automatically stood adjourned.

THURSDAY, FEBRUARY 4, 1926.

The House was opened with prayer by the Reverend Olus Hamilton of the Baptist Church of Mt. Sterling, Kentucky.

The roll was called and the following members answered to their names, viz.:

Lewis Allen	Lee Clark	Lawrence Harmon
W. B. Ardery	Lonnie Cooper	J. F. Harrison
Wm. J. Arvin	Fred H. Coots	C. W. Hawkins
W. O. Bach	J. D. Cox	J. M. Hayse
A. J. Baldridge	J. S. Cruse	Goebel B. Henson
J. H. Baughman	W. J. Curtis	H. M. Holbrook
L. D. Bax	J. L. Cushing	H. B. Holland
W. B. Belknap	C. L. Daly	S. K. Holland
T. H. Benton	Mormon B. Daniel	Ira L. Horne
Shaler Berry	J. R. Dorman	J. C. Hutcherson
C. H. Berryman	E. J. Doss	E. M. Johnson
W. P. Bowman	James M. Durham	Grover C. Johnson
D. F. Brown	D. E. Edwards	W. W. Johnson
Geo. A. Brown	J. O. Evans	D. C. Jones
F. W. Bryant	D. W. Fowler	Mrs. H. G. Jorris
J. R. Buckman	Otto C. Gartin	W. O. Keller
W. G. Buckner	R. E. Glenn	J. R. Kelly
S. J. Bunger	C. C. Givens	Thos. H. King
W. A. Carson	F. A. Gnau	Oscar Leibson
C. B. Carver	Whitsett Hall	W. W. Leslie

Leon P. Lewis
J. L. Manning
Joe Martin
Shelby Martin
A. M. Mercer
H. J. Meyers
H. H. Miller
J. S. Milliken
T. R. Moore
B. T. Morris
L. P. Murphy
Chas. N. McCarty
J. L. McDavid
W. J. McGill
F. T. Nichols
Caleb Page
Smith Park
Jas. J. Peters
Geo. W. Potter
W. H. Pryor
H. A. Pulliam
Clint Raymer
R. R. Rogers
Philip J. Ryan
C. W. Ryans
Chas. L. Seale
M. G. Slusher
W. R. Smith
E. J. Snyder
Frank L. Strange
J. G. Swearengin
Mac Swinford
J. L. Valandingham
Chiles Van Antwerp
C. D. Vincent
W. S. Wallen
T. B. Watts

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. Baldridge moved that a leave of absence be granted to Messrs. Morris and Horne.

Said motion was agreed to.

Mr. Vincent announced that he had just received news of the death of his brother and requested an indefinite leave of absence.

Which was granted to him.

Mr. Murphy presented a petition from various and sundry citizens of Scott County, protesting against the repeal of the Dog Tax Law.

Which was read and referred

To Committee on Agriculture.

Mr. Milliken moved that a Committee be appointed by the Speaker to act in conjunction with a like Committee from

the Senate to draw suitable resolutions on the death of the Hon. Wible L. Mapother, President of the Louisville & Nashville Railroad.

Said motion was agreed to.

Thereupon the Speaker appointed Messrs. Milliken, Ardery, Jones and Lewis as members constituting such Committee.

Mr. Holland moved that a bill entitled:

H. B. 77. An Act relating to revenue and taxation imposing an excise tax on gasoline and other liquid fuels.

Be made a Special Order of this House for tomorrow morning at eleven o'clock.

Said motion was agreed to.

Mr. E. M. Johnson moved that a bill entitled:

H. B. 195. An Act to amend and re-enact Section 2253, Carroll's Kentucky Statutes, 6th Edition, 1922, relating to qualification and exemption of petit jurors.

Be advanced to its first reading, the report of the Committee to the contrary notwithstanding.

Said motion was disagreed to.

Mr. Cushing moved that the vote by which said bill was refused its first reading be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed bills of the following titles, viz.:

1. S. B. 18. An Act to amend section 564 Kentucky Statutes, Carroll's Edition, 1915, relating to corporations.

2. S. B. 67. An Act relating to mines and mining, defining the rights and duties of coterminous owners, prohibiting encroachments, and prescribing methods for enforcing the provisions hereof.

3. S. B. 59. An Act for the benefit of the Home for Incurables.

4. S. B. 52. An Act relating to the holding of Circuit Courts in counties having therein cities of the third class or having therein portions of cities of a third class.

5. S. B. 103. An Act to add to the Primary System of roads.

Ordered that said bills be printed and referred as follows, viz.:

1. To Committee on Corporate Institutions.

2. To Committee on Mines and Mining.

3. To Committee on Appropriations No. 1.

4. To Committee on Circuit Courts.

5. To Committee on Roads and Highways No. 2.

And that they had also passed a bill which originated in this House, entitled:

H. B. 33. An Act entitled "An Act changing the name of Poosfork, Harlan County, Kentucky, to that of Cumberland, Harlan County, Kentucky."

Ordered that said bill be delivered to the Enrolling Clerk of this House.

Mr. Milliken of the Committee on Rules moved that the Rules be suspended and that a resolution entitled:

H. Res. 8. A resolution providing for the appointment of two Senators and three Representatives to constitute a Committee of the General Assembly of the Commonwealth of Kentucky, to investigate the income, receipts and disbursements of the Covington & Cincinnati Bridge Company, a corporation,

Be taken up for immediate consideration.

Said motion was agreed to.

Said resolution is as follows, viz.:

A Resolution.

A Resolution providing for the appointment of two Senators and three Representatives to constitute a committee of the General Assembly of the Commonwealth of Kentucky, to investigate the income, receipts and disbursements of the Covington & Cincinnati Bridge Company, a corporation.

Whereas, The Covington & Cincinnati Bridge Company was duly incorporated by Special Act of the General Assembly of the Commonwealth of Kentucky, entitled "An Act incorporating the Covington & Cincinnati Bridge Company," approved February 10, 1846, and which is Chapter 149 of the Acts of 1846; and

Whereas, By the provisions of said Act, to-wit, Section 8 thereof, said Bridge Company is required to lay before the Legislature of this State, an annual statement showing the tolls received for passing over said bridge, the cost of keeping said bridge in repair, and all other expenses incurred by said company in the operation of said bridge, and to regulate the

tolls accordingly, so that the net profits derived from the operation of said bridge shall not exceed a certain percentage of the amount invested; and

Whereas, Said Bridge Company has failed to make its annual report with the Legislature, as provided in said Act, showing the receipts from tolls, the cost of maintaining said bridge in repair, together with the other expenses incurred by said company in the maintenance and operation of said bridge; and

Whereas, The net earnings of said Bridge Company from tolls collected for crossing and using said bridge are greatly in excess of the maximum rate which said company is permitted to earn and distribute to its stockholders under the provisions of said Act of Incorporation, and in order to maintain its present toll rates and to absorb the excess of said net earnings, said Bridge Company did in the latter part of 1925, increase its capital stock from Seven Hundred and Fifty Thousand ($750,000.00) Dollars to Two Million, Two Hundred and Fifty Thousand ($2,250,000.00) Dollars, on which last named amount said company proposes to pay the maximum dividend rate of fifteen (15%) per cent in violation of the provisions of the Act incorporating said company,

Now therefore, be it resolved by the General Assembly of the Commonwealth of Kentucky:

SECTION ONE:

That the Speaker of the House of Representatives be and he is hereby authorized to appoint three Representatives, and the President Pro Tempore of the Senate is hereby authorized to appoint two Senators, who when appointed shall constitute a Committee of the General Assembly of the Commonwealth of Kentucky. Said committee is empowered and authorized to summon before it all officers, agents and employees of the Covington & Cincinnati Bridge Company, and to compel them to give evidence showing the amount of tolls

received by said Bridge Company annually for the calendar years of 1924 and 1925; the cost and expense of keeping said bridge in repair; together with all other expenses which said company incurred during said years in the operation and maintenance of said bridge; to inquire into and ascertain the rate of tolls charged by said Bridge Company for passing over said bridge; the total amount of income received by said company from said source and all other sources; the authorized outstanding capital stock of said company; the total amount of bonded indebtedness of said company; the rate of interest which said company is paying thereon; the amount of dividends declared in said years 1924 and 1925, and all other information which said committee may deem necessary to determine whether said Bridge Company is exceeding the power and authority conferred upon it by said Act of the Legislature in the collection of tolls for crossing said bridge. The officers, agents and employees of said company shall appear before said committee and give to said committee said information whereof said committee is vested with authority to inquire into and any and all other information which said committee may require pertaining to the operation, management and maintenance of said bridge.

SECTION TWO:

Said committee is hereby authorized and empowered to issue summons and compel the attendance before it of any witnesses so summoned, and may compel said company to produce any and all books and accounts kept by it, showing the receipts and disbursements of said bridge company, and in the event any witness summoned to appear before said committee fails to appear or when so appearing fails or refuses to answer any questions or to comply with any order of this committee, said committee is empowered and authorized to punish such witness as for contempt, by imprisonment in the jail of the county in which said hearing is being conducted,

for such time as in its discretion the gravity of the offense merits, not however to exceed for any one offense three (3) days, until such witness complies with the order of said committee, or answers the questions propounded or by giving the information required by said committee.

SECTION THREE:

Said committee upon being appointed as provided herein, shall meet and appoint a chairman, who shall preside at all hearings and who is hereby authorized to administer an oath to all the witnesses appearing before said committee, and shall sign all summons and orders made by said committee. All traveling or other expenses incurred by the committee in this investigation shall be paid as other expenses of the State are paid. Said committee shall hold its meetings at such places as it may deem expedient for the purposes for which it is appointed, and shall proceed to obtain the information provided for herein, and report the same before the adjournment date of this General Assembly. Said committee is further empowered to employ a stenographer who shall take the testimony of all the witnesses appearing before said committee, which shall be transcribed and submitted to the General Assembly with the report of said committee.

SECTION FOUR:

Whereas, it being necessary that the General Assembly have the information provided for in this resolution, before its adjournment, an emergency is hereby declared to exist and this resolution shall take effect upon its adoption and approval by the Governor.

Said resolution was adopted.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen
W. B. Ardery
Wm. J. Arvin
W. O. Bach
A. J. Baldridge
J. H. Baughman
L. D. Bax
W. B. Belknap
T. H. Benton
Shaler Berry
C. H. Berryman
W. P. Bowman
D. F. Brown
Geo. A. Brown
F. W. Bryant
J. R. Buckman
W. G. Buckner
S. J. Bunger
W. A. Carson
C. B. Carver
Lee Clark
Lonnie Cooper
Fred H. Coots
J. D. Cox
J. S. Cruse
J. L. Cushing
C. L. Daly
Mormon B. Daniel
E. J. Doss
James M. Durham
D. E. Edwards
J. O. Evans
D. W. Fowler
Otto C. Gartin
R. E. Glenn
C. C. Givens
F. A. Gnau
Whitsett Hall
Lawrence Harmon
J. F. Harrison
C. W. Hawkins
J. M. Hayse
Goebel B. Henson
H. M. Holbrook
H. B. Holland
S. K. Holland
J. C. Hutcherson
E. M. Johnson
Grover C. Johnson
W. W. Johnson
D. C. Jones
Mrs. H. G. Jorris
W. O. Keller
J. R. Kelly
Thos. H. King
Oscar Leibson
W. W. Leslie
Leon P. Lewis
J. L. Manning
Joe Martin
Shelby Martin
A. M. Mercer
H. J. Meyers
H. H. Miller
J. S. Milliken
T. R. Moore
L. P. Murphy
Chas. N. McCarty
J. L. McDavid
W. J. McGill
F. T. Nichols
Caleb Page
Smith Park
J. J. Patterson
Geo. W. Potter
W. H. Pryor
H. A. Pulliam
Clint Raymer
R. R. Rogers
Philip J. Ryan
C. W. Ryans
Chas. L. Seale
M. G. Slusher
W. R. Smith
E. J. Snyder
Frank L. Strange
J. G. Swearengin
Mac Swinford
J. L. Valandingham
Chiles Van Antwerp
W. S. Wallen
T. B. Watts

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Mr. Meyers moved that the vote by which said resolution was adopted be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Van Antwerp moved that the Rules of this House be suspended and that a bill entitled:

H. B. 12. An Act to amend Sections 1961 and 3914-b of Carroll's Kentucky Statutes, and also to amend an Act prohibiting betting, wagering on horse races other than at licensed race tracks or within enclosures during regular meetings wherein running, trotting or pacing races are being conducted by associations regularly organized for that purpose and prescribing a penalty therefor."

Be made a Special Order for today at twelve o'clock.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Pulliam and Harrison, were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	Mormon B. Daniel	Leon P. Lewis
Wm. J. Arvin	E. J. Doss	J. L. Manning
W. O. Bach	D. E. Edwards	A. M. Mercer
A. J. Baldridge	J. O. Evans	J. S. Milliken
J. H. Baughman	D. W. Fowler	T. R. Moore
W. B. Belknap	R. E. Glenn	Chas. N. McCarty
T. H. Benton	C. C. Givens	J. L. McDavid
Shaler Berry	Whitsett Hall	Caleb Page
W. P. Bowman	J. F. Harrison	J. J. Patterson
D. F. Brown	Goebel B. Henson	Jas. J. Peters
F. W. Bryant	H. B. Holland	W. H. Pryor
S. J. Bunger	S. K. Holland	H. A. Pulliam
C. B. Carver	J. C. Hutcherson	E. J. Snyder
Lee Clark	Grover C. Johnson	Mac Swinford
Lonnie Cooper	W. W. Johnson	J. L. Valandingham
Fred H. Coots	Mrs. H. G. Jorris	Chiles Van Antwerp
C. L. Daly	Thos. H. King	

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Those who voted in the negative were—

W. B. Ardery	J. M. Hayse	Clint Raymer
L. D. Bax	H. M. Holbrook	R. R. Rogers
C. H. Berryman	E. M. Johnson	Philip J. Ryan
Geo. A. Brown	D. C. Jones	C. W. Ryans
J. R. Buckman	J. R. Kelly	Chas. L. Seale
W. G. Buckner	Oscar Leibson	M. G. Slusher
W. A. Carson	Shelby Martin	W. R. Smith
J. D. Cox	H. J. Meyers	Frank L. Strange
J. S. Cruse	H. H. Miller	J. G. Swearengin
J. L. Cushing	L. P. Murphy	W. S. Wallen
J. R. Dorman	W. J. McGill	T. B. Watts
James M. Durham	Smith Park	
F. A. Gnau	Geo. W. Potter	

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Mr. Gnau moved that the Committee on Juvenile Courts and Children's Homes, to which had been recommitted with leave to report at any time, a bill entitled:

H. B. 45. An Act to amend Section 3 of an Act approved March 19, 1908, entitled "An Act relating to children who are now or may hereafter become dependent, neglected or delinquent, to define these terms and fixing and defining the powers of the several county courts within this Commonwealth, with reference to the care, treatment and control of such children, and to provide for the means whereby such powers may be exercised," as amended by an Act approved March 23, 1910, entitled "An Act to amend Section 3 of an Act of the General Assembly of the Commonwealth of Kentucky, approved March 19, 1908 entitled an "Act relating to children who are now or may hereafter become dependent, neglected or delinquent, to define these terms and fixing and defining the powers of the several county courts within this Commonwealth, with reference to the care, treatment and control of such children, and to provide the means whereby such powers may be exercised," being Section 331e-3 of the Kentucky Statutes, Carroll's Edition of 1922.

Be reported by said Committee.

Said motion was agreed to.

Thereupon the Committee on Juvenile Courts and Children's Homes reported said bill.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 3 of An Act approved March 19, 1908, entitled "An Act relating to children who are now or may hereafter become dependent, neglected or delinquent, to define these terms and fixing and defining the powers of the several County Courts within this Commonwealth, with reference to the care, treatment and control of such children, and to provide for the means whereby such powers may be exercised," as amended by an Act approved March 23, 1910, entitled "An Act to amend Section 3 of an Act of the General Assembly of the Commonwealth of Kentucky, approved March 19, 1908, entitled an 'Act relating to children who are now or may hereafter become dependent, neglected or delinquent, to define these terms and fixing and defining the powers of the several County Courts within this Commonwealth, with reference to the care, treatment and control of such children, and to provide for the means whereby such powers may be exercised,' " be and the same is hereby amended by striking out the words and figures "twenty-four hundred dollars ($2,400.00) per year" and inserting in lieu thereof the words and figures "three thousand dollars ($3,000.00) per annum," and by striking out the words and figures "twelve hundred dollars ($1,200.00) per year" and inserting in lieu thereof the words and figures "two thousand dollars ($2,000.00) per annum" and by striking out the words and figures "one thousand dollars ($1,000.00) per year" and inserting in lieu thereof the words and figures "fifteen hundred ($1,500.00) per annum," so that said Section, as amended shall read as follows:

"The County Courts of the several counties of this state shall have authority to appoint or designate one or more discreet persons of good moral character to serve as volunteer probation officers during the pleasure of the court without any compensation whatsoever. In counties having a city of the first or second class the County Court may appoint one probation officer, who shall be designated as chief probation officer, and who shall receive a salary of not exceeding three thousand dollars ($3,000.00) per annum, to be fixed by the County Judge; one or more assistant probation officers, one of whom shall receive a salary of not exceeding two thousand dollars ($2,000.00) per annum, and all other assistants so appointed shall receive a salary not exceeding fifteen hundred dollars ($1,500) per annum, such salaries to be fixed by the Judge of the County Court. Such salaried probation officers shall be allowed their actual and necessary expenses incurred in the performance of their duties; said salaries and expenses to be paid as provided herein. All such salaried probation officers shall have the powers of sheriffs and county patrolmen in making arrests."

Mr. Gnau offered the following Amendment by way of substitute to said bill, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 3 of an Act approved March 19, 1908, entitled "An Act relating to children who are now or may hereafter become dependent, neglected or delinquent, to define these terms and fixing and defining the powers of the several County Courts within this Commonwealth, with reference to the care, treatment and control of such children, and to provide for the means whereby such powers may be exercised," as amended by an Act approved March 23, 1910, entitled "An Act to amend Section 3 of an Act of the General Assembly of the Commonwealth of Kentucky, approved

March 19, 1908, entitled an "Act relating to children who are now or who may hereafter become dependent, neglected or delinquent, to define these terms and fixing and defining the powers of the several County Courts within this Commonwealth, with reference to the care, treatment and control of such children, and to provide for the means whereby such powers may be exercised," be and the same is hereby amended by striking out the words "First or," following the words, "In counties having a city of the," so that said Section, as amended, shall read as follows:

"The County Courts of the several counties of this State shall have authority to appoint or designate one or more discreet persons of good moral character to serve as volunteer probation officers during the pleasure of the court without any compensation whatsoever. In counties having a city of the second class the County Court may appoint one probation officer, who shall be designated as chief probation officer, and who shall receive a salary of not exceeding twenty-four hundred dollars ($2,400.00) per annum, to be fixed by the County Judge; one or more assistant probation officers, one of whom shall receive a salary of not exceeding twelve hundred dollars ($1,200.00) per annum and all other assistants so appointed shall receive a salary not exceeding one thousand dollars ($1,000.00) per annum, such salaries to be fixed by the judge of the County Court. Such salaried probation officers shall be allowed their actual and necessary expenses incurred in the performance of their duties; said salaried probation officers shall have all the powers of sheriffs and county patrolmen in making arrests."

§ 2. And that the following Section be added:

"In counties having a city of the first class the County Court may appoint one probation officer, who shall be designated as chief probation officer, and who shall receive a salary of not exceeding three thousand ($3,000.00) per annum, to be fixed by the county judge; one or more assistant probation officers, one of whom shall receive a salary of not exceeding

two thousand ($2,000.00) per annum, and all other assistants so appointed shall receive a salary not exceeding fifteen hundred dollars ($1,500.00) per annum, such salaries to be fixed by the judge of the County Court. Such salaried probation officers shall be allowed their actual and necessary expenses incurred in the performance of their duties; said salaries and expenses to be paid as provided herein. All such salaried probation officers shall have all the powers of sheriffs and county patrolmen in making arrests.

Said substitute was then adopted.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	W. G. Buckner	J. O. Evans
W. B. Ardery	S. J. Bunger	D. W. Fowler
Wm. J. Arvin	W. A. Carson	Otto C. Gartin
W. O. Bach	C. B. Carver	R. E. Glenn
A. J. Baldridge	Lee Clark	C. C. Givens
J. H. Baughman	Lonnie Cooper	F. A. Gnau
L. D. Bax	J. D. Cox	Whitsett Hall
W. B. Belknap	W. J. Curtis	Lawrence Harmon
T. H. Benton	J. L. Cushing	C. W. Hawkins
Shaler Berry	C. L. Daly	J. M. Hayse
W. P. Bowman	Mormon B. Daniel	Goebel B. Henson
D. F. Brown	J. R. Dorman	H. B. Holland
Geo. A. Brown	E. J. Doss	S. K. Holland
F. W. Bryant	James M. Durham	J. C. Hutcherson
J. R. Buckman	D. E. Edwards	E. M. Johnson

Grover C. Johnson	J. S. Milliken	R. R. Rogers
W. W. Johnson	T. R. Moore	Philip J. Ryan
D. C. Jones	L. P. Murphy	C. W. Ryans
Mrs. H. G. Jorris	Chas. N. McCarty	Chas. L. Seale
W. O. Keller	J. L. McDavid	M. G. Slusher
J. R. Kelly	W. J. McGill	W. R. Smith
Thos. H. King	F. T. Nichols	E. J. Snyder
Oscar Leibson	Caleb Page	Frank L. Strange
W. W. Leslie	Smith Park	J. G. Swearengin
Leon P. Lewis	J. J. Patterson	Mac Swinford
J. L. Manning	Jas. J. Peters	J. L. Valandingham
Shelby Martin	Geo. W. Potter	Chiles Van Antwerp
A. M. Mercer	W. H. Pryor	W. S. Wallen
H. J. Meyers	H. A. Pulliam	T. B. Watts
H. H. Miller	Clint Raymer	

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Resolved that the title thereof be as aforesaid.

Mr. Gnau moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Belknap moved that the session of to-day be extended indefinitely.

Said motion was agreed to.

Mr. Baldridge moved that a bill entitled:

H. B. 104. An Act relating to the establishment of graded common schools,

Be advanced to its first reading the report of the Committee to the contrary notwithstanding.

Said motion was agreed to.

And so said bill was read at length the first time and ordered to be placed on the Calendar.

Mr. Fowler moved that the blackboards in the House Chamber be set aside for the use of the various Standing Committees for the purpose of announcing the various Committee Meetings in the future and that the Clerk of the House be directed to post on said board each day the first ten bills in the Orders of the Day.

Said motion was agreed to.

The hour of twelve o'clock having arrived the House took up for consideration from the Calendar, bills of the following titles, viz.:

H. B. 57. An Act relating to the creation of water districts in counties of the state, and providing for the establishment, construction, or purchase of a water system, for the purpose of furnishing water to the inhabitants thereof; proscribing the methods of expenditure, the assessment and collection of costs and expenses thereof, providing for the appointment of commissioners and prescribing their duties and providing for the payment of employees and officers. The issuing and selling of district bonds with which to secure funds to defray the costs and expenses of any such improvements, repealing an Act, entitled "An Act providing for the creation of water districts, etc.," approved March 25, 1924.

H. B. 77. An Act relating to revenue and taxation, imposing an excise tax on gasoline and other liquid fuels.

With an amendment thereto by way of substitute therefor.

H. B. 147. An Act relating to the taxation of domestic Life Insurance Companies.

H. B. 297. An Act to amend and re-enact section 1376b-2, Kentucky Statutes, relating to agricultural seeds.

H. B. 208. An Act to amend and re-enact Sections 3, 4, 8 of an Act entitled an Act providing for the creation, control, disposition of a fund to be used in pensioning under certain conditions, policemen, and the families of deceased policemen, in cities of the first class, approved March 12, 1912.

H. Res. 4. Joint resolution for the benefit of the Hitchins Graded School of Hitchins, Kentucky.

H. Res. 5. Resolution for the benefit of D. Owen Robinson, of Frankfort, Kentucky.

H. B. 261. An Act to increase the daily compensation of members of the General Assembly and presiding officers of the Senate and House of Representatives.

H. B. 209. An Act for the benefit of the Kentucky School for the Blind.

H. B. 120. An Act to amend and re-enact chapter 43 of the Acts of the General Assembly of 1904 entitled "An Act to provide for more adequate punishment for bank robbery and safe blowing."

H. B. 113. An Act for the benefit of the Home for Incurables.

H. B. 8. An Act fixing the time for holding Circuit Court in the 33rd Judicial District.

S. B. 45. An Act to change and fix the time, place and terms of court in the 20th Judicial District.

H. B. 100. An Act to exempt from jury service officers of cemetary companies, of counties containing cities of the first class.

H. B. 95. An Act to change and fix the time and place and terms of court in the 20th judicial district composed of Greenup and Lewis counties.

H. B. 79. An Act relating to the holding of circuit courts in counties having therein cities of the third class, or having therein portion of cities of a third class.

With an amendment thereto by way of substitute therefor.

H. B. 164. An Act relating to rotating system of circuit judges.

H. B. 76. An Act to give to supersedeas bonds the force and effect of a judgment.

S. B. 41. An act authorizing the restoration to sound mind, of persons who have been adjudged of unsound mind, or who may be hereafter adjudged of unsound mind, so that persons who have been adjudged of unsound mind can, by proper judgment be restored and given all the rights of persons of sound mind.

S. B. 30. An Act to repeal section 1 of chapter 221 entitled "An Act relating to courts of justice," being Section 949, Kentucky Statutes, 1922 edition.

H. B. 152. An Act to amend section 1376a of Kentucky Statutes, Carroll's Edition 1922, relating to wearing society badge by persons not members.

S. B. 64. An Act to assist disabled ex-service men and women of the World War in obtaining from the Federal Government the relief authorized by Congress, continuing the Kentucky Disabled Ex-service Men's Board and appropriating funds therefor.

H. B. 88. An Act to assist disabled ex-service men and women of the World War in obtaining from the Federal Government the relief authorized by Acts of Congress, continuing in existence for that purpose the Kentucky Disabled Ex-Service Men's Board and appropriating funds therefor; providing maintenance of an office and stenographic help to carry on work of said board, and declaring an emergency to exist.

H. B. 211. An Act to repeal and re-enact chapter 33 of the acts of the General Assembly of 1902 (p. 71) which is entitled "An Act to change the name of the State Normal School for colored persons, and regulate the conduct of same," same being section 4527a, Kentucky Statutes, 1915 Edition.

H. B. 250. An Act requiring that before a deed to real estate title to which has been acquired by the grantor or grantors therein by descent from an ancestor shall be filed for record, an affidavit shall be filed with the clerk of the county court of the county in which the land is located, showing the name and place of residence at time of death of such ancestor, that he or she died intestate, whether married or single at the time of death and if married the name of the surviving husband or wife, the names, ages and addresses, so far as known, of each of such ancestor's heirs, the relationship of each to said ancestor and the interest inherited by each, requiring the clerk to record and index such affidavit, fixing his fee for such, making it unlawful for the clerk to receive such a deed for record until such affidavit is filed, and providing a penalty for violation thereof.

Ordered that said bills be read the second time.

The Constitutional provision as to the second reading of said bills at length being dispensed with, they were read the second time by their titles only.

Ordered that said bills be placed in the orders of the day.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 46. An Act entitled An Act to amend Section 865 of Kentucky Statutes, 1915; compiled by the Hon. John D. Carroll, being also section 865 of chapter 144, acts 1918, being to further regulate the operation and management of building and loan associations.

Said bill is as follows, viz.:

An Act entitled an Act to amend Section 865 of Kentucky Statutes of 1915, compiled by the Hon. John D. Carroll, being also Section 865 of Chapter 144, Acts 1918, being to further regulate the operation and management of building and loan associations.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 865 of Kentucky Statutes of 1915, compiled by Hon. John D. Carroll, and being also Section 865, Chapter 144 of Acts of 1918, be amended by striking out the whole thereof and adopting in lieu thereof, the following:

"The moneys accumulated after due allowance made for necessary and proper expenses and for withdrawals of shares, shall at each monthly or weekly meeting be offered to members according to their priority or right to a loan as fixed by the by-laws. Each member, whose application for a loan has been approved, shall be entitled upon giving proper security and complying with by-laws, to receive a loan equal to par value of each share or fractional share held by him or such part as the by-laws allow, provided, however, that the by-laws may restrict the maximum amount of loan to which members may be entitled. If a balance of money remains after the

weekly or monthly loans are granted the Directors may invest the same in good and safe bonds or in such other securities in which banks are now permitted to invest.

§ 2. This Act shall take effect from and after its passage."

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	Mormon B. Daniel	W. O. Keller
W. B. Ardery	J. R. Dorman	J. R. Kelly
Wm. J. Arvin	E. J. Doss	Thos. H. King
W. O. Bach	J. O. Evans	Oscar Leibson
J. H. Baughman	D. W. Fowler	W. W. Leslie
W. B. Belknap	Otto C. Gartin	Leon P. Lewis
T. H. Benton	R. E. Glenn	J. L. Manning
Shaler Berry	C. C. Givens	Joe Martin
W. P. Bowman	F. A. Gnau	Shelby Martin
D. F. Brown	Whitsett Hall	A. M. Mercer
Geo. A. Brown	Lawrence Harmon	H. J. Meyers
F. W. Bryant	J. F. Harrison	H. H. Miller
J. R. Buckman	C. W. Hawkins	J. S. Milliken
W. G. Buckner	J. M. Hayse	T. R. Moore
S. J. Bunger	Goebel B. Henson	B. T. Morris
W. A. Carson	H. M. Holbrook	L. P. Murphy
C. B. Carver	H. B. Holland	Chas. N. McCarty
Lee Clark	S. K. Holland	J. L. McDavid
Lonnie Cooper	J. C. Hutcherson	W. J. McGill
J. D. Cox	Grover C. Johnson	F. T. Nichols
J. S. Cruse	W. W. Johnson	Caleb Page
J. L. Cushing	D. C. Jones	Smith Park
C. L. Daly	Mrs. H. G. Jorris	J. J. Patterson

Jas. J. Peters	C. W. Ryans	Frank L. Strange
Geo. W. Potter	Chas. L. Seale	J. G. Swearengin
W. H. Pryor	M. G. Slusher	Mac Swinford
R. R. Rogers	W. R. Smith	J. L. Valandingham
Philip J. Ryan	E. J. Snyder	T. B. Watts

Resolved that the title thereof be as aforesaid.

Mr. Lewis moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the hour of twelve-thirty o'clock, Mr. Dorman moved that the House do now recess for one hour.

Said motion was agreed to.

The hour of one-thirty o'clock P. M. having arrived, the Speaker resumed the Chair and called the House to order.

Mr. Potter of the Committee on Motor Transportation, to which same had been recommitted with leave to report at any time, reported a bill entitled:

H. B. 50. An Act to amend and re-enact Subsection A of section 2 of Chapter 90 of the Acts of the General Assembly of 1920, entitled, "An Act relating to vehicles, regulating their use and operation upon the public highways of this Commonwealth; providing for the registration and licensing of motor vehicles; fixing the amount of license, manner of payment thereof; providing for the registration and licensing of operators of motor vehicles and the amount of such license; preventing illegal traffic in motor vehicles; providing a penalty for the violation of this Act," so as to extend the time for the procurement of automobile license tags, and repealing any and all conflicting laws.

Said bill is as follows, viz.:

An Act to amend and re-enact Subsection A of section 2 of chapter 90 of the Acts of the General Assembly of 1920, entitled, "An Act relating to vehicles, regulating their use and operation upon the public highways of this Commonwealth; providing for the registration and licensing of motor vehicles; fixing the amount of license, manner of payment thereof; providing for the registration and licensing of operators of motor vehicles and the amount of such license; preventing illegal traffic in motor vehicles; providing a penalty for the violation of this Act;" so as to extend the time for the procurement of automobile license tags, and repealing any and all conflicting laws.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That subsection A of section 2 of chapter 90 of the Acts of the General Assembly of 1920, approved March the 23rd, 1920, be amended so that said subsection A of section 2, when amended and re-enacted shall read as follows:

Registration and Fees. Before the owner of an automobile shall operate or be permitted to operate same or shall permit the operation of same upon any public highway, such owner shall register with the commission through the clerk in the county in which he resides, or in the county in which the automobile is to be operated, making application for such registration to the clerk of such county on a blank to be furnished by the commmission through the clerk, which application shall be accompanied by a bill of sale, if the application be for the registration of a new car, or by exhibiting the owner's registration receipt if such automobile has first heretofore been registered and thereafter he shall register his automobile on or before the first day of February each and every year, provided that insofar as the owner is concerned, registration with the clerk as required by law, shall be deemed to be the registration with the commission.

§ 2. All laws or parts of laws in conflict herewith are hereby repealed.

Mr. Gnau offered the following Amendment to said bill, viz.:

Amend H. B. 50 by striking therefrom in line 13 Section 1, following the words "or before the," the words "first day of February" and inserting in lieu thereof the words "fifteenth day of January."

Said Amendment was agreed to.

Mr. Gnau offered the following Amendment to said bill, viz.:

Amend H. B. 50 by adding thereto the following section:

"All persons procuring such licenses after December 31 and before January 16, shall pay a penalty of 10c per day for each day he is so delinquent after December 31. After January 15 the penalties already provided by law shall apply."

Mr. McGill moved that said Amendment lie on the table.

Said motion was agreed to.

And so said bill was rejected.

The House took up from the orders of the day, a bill entitled:

H. B. 50. An Act to amend and re-enact Sections 3037f-1, 3037f-2, 3037f-3, 3037f-4, 3037f-5, 3037f-6, 3037f-7, 3037f-8, 3037f-9, 3037f-10, 3037f-11, 3037f-12, 3037f-13, 3037f-14, 3037f-15, Carroll's Kentucky Statutes, 1915 Edition, relating to the examination and registration of plumbers, providing for the appointment of a board of examiners and inspectors, setting

out the duties and salary of said board and inspectors, relating to the supervision and inspection of plumbing and drainage in cities of the first class, making it apply to cities of the second class as well as cities of the first class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 3037g-1, Kentucky Statutes, Carroll's 1915 Edition, be amended by inserting the words "and second" after the word, "first" (being the nineteenth word in said section), and before the word "class" (being the twentieth word), so that said section when amended shall read:

Sec. 3037f-1. Certificate to be obtained by plumbers. Any persons now or hereafter engaged in or working at the business of plumbing in cities of the first and second class of this Commonwealth, either as a journeyman plumber or as a master plumber working in the capacity of a journeyman plumber, or any person installing or placing any plumbing, fixtures or material, shall first receive a certificate in accordance with the provisions of this Act.

§ 2. That Section 3037f-2, Kentucky Statutes, Carroll's 1915 Edition be re-enacted as follows:

Sec. 3037f-2. Examination to be passed. That within ninety days after this act becomes a law, and thereafter, all persons engaged in or working at the business of plumbing in this state, either as a journeyman plumber or as a master plumber working in the capacity of a journeyman plumber, or any person installing or placing plumbing fixtures or material, shall make application to the board of examiners hereinafter provided for, and shall at such time and place as the board may designate, be required to pass such examination as to his qualification and competency as a plumber, as the board may prescribe. The examination shall be of such

character as to thoroughly test the applicant's ability both practically and theoretically.

§ 3. That Section 3037f-3, Kentucky Statutes, Carroll's 1915 Edition, be amended by inserting the words "and second" after the word "first" (being the ninth word in said section), and before the word "class" (being the tenth word), so that said section when amended shall read:

Sec. 3037f-3. Board of examiners; compensation. There shall be in every city of the first and second class in this State, a board of examiners of plumbers, consisting of four members, two of whom shall be master plumbers and two journeymen plumbers. Said board shall be appointed by the mayor and approved by the general council, or by the board of trustees of said city, within ninety days after the passage of this law, for the term of one year from the first of May of the year of appointment, and thereafter annually before the first of May, and shall be paid from the treasury of said city the same as other officers in such sums as the authorities may designate, but in no case shall the salaries or fees of the aforesaid board exceed fifty per cent (50%) of the fees collected for examinations as hereinafter provided for. No person shall be eligible as member of this board who has not served a regular apprenticeship and worked as a practical journeyman for a period of five years or more.

§ 4. That Section 3037f-4, Kentucky Statutes, Carroll's 1915 Edition, be re-enacted as follows:

Section 3037f-4. Members of board.—All members of such board shall be citizens and actual residents of the cities in which they act.

§ 5. That Section 3037f-5, Kentucky Statutes, Carroll's 1915 Edition, be re-enacted as follows:

Section 3037f-5. Duties of board.—The board of examiners of plumbers shall within twenty days after their appointment meet and shall then designate the time and place of the examination of all applicants for plumbers' certificates within their respective jurisdiction. Said board shall ex-

amine all applicants as to their knowledge of plumbing, house drainage and plumbing ventilation, and if satisfied of the competency of such applicants, shall thereupon issue a certificate to such applicant authorizing him to work at the business of plumbing, and to place and install plumbing fixtures and material, and it shall be unlawful for any person to work in the capacity of a journeyman plumber or to install plumbing fixtures or material unless he shall have first obtained a certificate of competency. The board shall keep and preserve the record of all persons examined by them and to whom a certificate of qualification has been issued. All certificates of qualification issued under the provisions of this Act must be renewed by the holder thereof every five years and said holder of a certificate must be actually engaged in the business of plumbing at the time of making application for renewal of certificate but upon renewal no examination shall be required. For each certificate or renewal of a certifiicate the board shall collect five dollars ($5.00) to be paid into the treasury of the city in which said board acts.

§ 6. That Section 3037f-6, Kentucky Statutes, Carroll's 1915 Edition, be re-enacted as follows:

Section 3037f-6. Code of rules; duty and powers of board.—The board constituted as above set forth shall be further charged with the duty and vested with the power to formulate a code of rules regulating the work of plumbing and drainage in the city for which the board is appointed and serves; said regulations to include the materials and workmanship and manner of executing the work connected with plumbing and drainage. The board may, from time to time, add to, amend or alter such rules.

After the board as aforesaid has prepared its code of rules or any amendment or alteration thereof, the same shall be communicated to the general council or board of trustees of the city in which the said board is appointed and acts, and within ninety days after the same has been submitted to said general council or board of trustees, that body shall, by

proper action either accept said rules and regulations and incorporate them as part of the municipal law, or by proper resolution expressly reject, as a whole or in part, the recommendations as made by the board. In the event the general council or board of trustees rejects the code of rules or any part thereof as reported by the board of plumbing examiners as herein provided, then the general council or board of trustees of the city must adopt other rules and regulations prescribing the material, construction and repairs and installation of all plumbing, sewerage and drainage placed in or in connection with any building in said city or town.

§ 7. That Section 3037f-7, Kentucky Statutes, Carroll's 1915 Edition, be re-enacted as follows:

Section 3037f-7. Materials; kind that may be used.—The use of all unsafe and defective material in the work of plumbing and drainage is prohibited, and only the best known methods of installing all materials and fixtures, including supply pipes, waste, ventilation, soil pipe and sewerage shall be employed. It shall be unlawful to use in the work aforesaid extra light lead pipes, bends and traps, and all combination lead and iron or combination lead and brass ferrules, bends or traps; but there shall be employed only the best known methods of joining lead or iron pipes by the use of heavy cast brass ferrules properly wiped with solder to lead.

§ 8. That Section 3037f-8, Kentucky Statutes, Carroll's 1915 Edition, be amended by inserting the words "and second" after the word "first" (being the sixth word in said section), and before the word "class" (being the seventh word), so that said section when amended shall read:

Section 3037f-8. Chief and deputy inspectors; appointment of; salaries; duties of.—In all cities of the first and second class there shall be apppointed by the mayor of the same, one chief plumbing inspector and such number of deputy inspectors as the general council or board of trustees of said city may designate; said city plumbing inspector and deputy inspector shall be appointed by the mayor, and ap-

proved by the general council or board of trustees of said city within ninety days after the passage of this law for the term of one year from the first of May of the year of appointment, and thereafter annually before the first of May, and shall be paid from the treasury of said city at such salary as the authorities may designate. The duty of such officers shall be to inspect all plumbing and drainage done in their respective cities, and to enforce the provisions of this act and secure the proper performance of such work. The chief inspector shall preside at all meetings of the examining board and shall take part in the proceedings whenever said board may have under consideration the formation and submission of rules and regulations governing the work of plumbing and drainage to be submitted to the General Council or board of trustees. Said inspector shall also have the deciding voice and vote in all matters connected with the examination of applicants and granting of certificates whenever the remaining members of said board are unable to agree. No person shall be eligible to the office of plumbing inspector unless he have at least ten years' actual experience in the business of plumbing, and he shall not be connected in any way with any fim or incorporation directly or indirectly engaged in the business of plumbing, and shall be a citizen and actual resident of the city in which he acts.

§ 9. That Section 3037f-9, Kentucky Statutes, Carroll's 1915 Edition, be re-enacted as follows:

Section 3037f-9. Public and private plumbing to be done in accordance with act.—The plumbing and drainage of all buildings, both public and private, shall be executed in accordance with the provisions of this act and the rules and regulations adopted by the city or board as herein provided; and all repairs and alterations in plumbing and drainage of all buildings shall be executed in accordance with said law, rules and regulations.

§ 10. That Section 3037f-10, Kentucky Statutes, Carroll's 1915 Edition, be amended by inserting the words "and

second'' after the word ''first'' (being the ninth word of said section), and before the word ''class'' (being the tenth word), so that said section when amended shall read:

Section 3037f-10. Supervision by board of health; report to.—The plumbing department of every city of the first and second class in this state, consisting of the examining board, the chief inspector and his deputies shall be under the supervision of the board of health of said city, and the chief inspector shall make a complete report of this department to said board of health at the end of each year.

§ 11. That Section 3037f-11, Kentucky Statutes, Carroll's 1915 Edition, be re-enacted as follows:

Section 3037f-11. Plumbing, term defined.—By the term of plumbing as in this Act used is included all work of every character connected with the installation or repair of any plumbing fixture or material connected with the drainage of buildings or property; likewise all work requiring connections with steet sewers or water mains or with plumbing ventilation.

§ 12. That Section 3037f-12, Kentucky Statutes, Carroll's 1915 Edition, be re-enacted as follows:

Section 3037f-12. Penalty for violation.—Any person, firm or corporation violating any of the provisions of this act, or any rule or regulation established or prescribed under authority herein designated, shall be guilty of a misdemeanor, and on conviction shall be fined not less than five dollars ($5.00) or more than fifty dollars ($50.00) for each and every violation thereof; and in addition the certificate of all persons involved in such violation may be revoked by the board as hereinbefore provided.

§ 13. That Section 3037f-13, Kentucky Statutes, Carroll's 1915 Edition, be re-enacted as follows:

Section 3037f-13. Repealing clause.—All acts and parts of Acts inconsistent with the provisions herein contained are declared to be repealed.

§ 14. That Section 3037f-14, Kentucky Statutes, Carroll's 1915 Edition, be amended by inserting the words "and second" after the word "first" (being the thirteenth word of the said Section), and before the word "class" (being the fourteenth word), so that said section when amended shall read:

Section 3037f-14. Scope of Act.—The operations of this act shall apply only to cities of the first and second class.

§ 15. That Section 3037f-15, Kentucky Statutes, Carroll's 1915 Edition, be re-enacted as follows:

Section 3037f-15. Scope of Act.—Nothing in this Act shall be construed as involving or affecting any plumbing now installed.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	C. L. Daly	H. B. Holland
L. D. Bax	J. R. Dorman	S. K. Holland
T. H. Benton	E. J. Doss	D. C. Jones
Shaler Berry	D. E. Edwards	J. R. Kelly
W. P. Bowman	J. O. Evans	Thos. H. King
D. F. Brown	Otto C. Gartin	W. W. Leslie
Geo. A. Brown	R. E. Glenn	J. L. Manning
F. W. Bryant	C. C. Givens	Shelby Martin
W. G. Buckner	F. A. Gnau	A. M. Mercer
S. J. Bunger	Whitsett Hall	H. J. Meyers
W. A. Carson	Lawrence Harmon	J. S. Milliken
W. J. Curtis	C. W. Hawkins	L. P. Murphy
J. L. Cushing	J. M. Hayse	Chas. N. McCarty

F. T. Nichols	R. R. Rogers	M. G. Slusher
Smith Park	Philip J. Ryan	W. R. Smith
H. A. Pulliam	C. W. Ryans	W. S. Wallen

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Those who voted in the negative were—

W. B. Ardery	D. W. Fowler	J. J. Patterson
Wm. J. Arvin	J. F. Harrison	Jas. J. Peters
W. O. Bach	Goebel B. Henson	Geo. W. Potter
A. J. Baldridge	H. M. Holbrook	W. H. Pryor
J. H. Baughman	J. C. Hutcherson	Clint Raymer
W. B. Belknap	Grover C. Johnson	Chas. L. Seale
J. R. Buckman	W. W. Johnson	E. J. Snyder
C. B. Carver	Mrs. H. G. Jorris	Frank L. Strange
Lonnie Cooper	W. O. Keller	J. G. Swearengin
Fred H. Coots	Joe Martin	Mac Swinford
J. D. Cox	H. H. Miller	J. L. Valandingham
J. S. Cruse	T. R. Moore	Chiles Van Antwerp
Mormon B. Daniel	W. J. McGill	T. B. Watts
James M. Durham	Caleb Page	

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Resolved that the title thereof be as aforesaid.

Mr. Cushing moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the orders of the day a resolution entitled:

H. Res. 3. Resolution approving the action of the President of the United States in recommending participation in the World Court.

Mr. Potter moved that said resolution be recommmitted.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 52. An Act to provide for the cost of fiduciaries' bonds, and for charging the payment thereof to the estate in the hands of the fiduciary.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Whenever any personal representative, guardian, committee, or other trustee or fiduciary, who is required by law to execute a bond for the faithful discharge of his duties or fulfillment of his trust, shall procure as surety on such bond an incorporated surety company authorized and qualified to become surety on such bond in the state of Kentucky, the necessary and reasonable cost incident thereto shall be a lawful charge against the estate in the hands of such fiduciary, as other expenses of administration, and in his settlement such fiduciary shall be entitled to credit by the amount actually paid by him for such purpose, subject to the approval of the judge or court who shall have approved the bond.

§ 2. All acts and parts of acts in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The Constitutional provisions as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	E. J. Doss	H. J. Meyers
Wm. J. Arvin	James M. Durham	H. H. Miller
W. O. Bach	D. E. Edwards	J. S. Milliken
A. J. Baldridge	J. O. Evans	T. R. Moore
L. D. Bax	D. W. Fowler	L. P. Murphy
W. B. Belknap	Otto C. Gartin	Chas. N. McCarty
T. H. Benton	R. E. Glenn	J. L. McDavid
Shaler Berry	C. C. Givens	W. J. McGill
C. H. Berryman	F. A. Gnau	F. T. Nichols
W. P. Bowman	Whitsett Hall	Caleb Page
D. F. Brown	Lawrence Harmon	Smith Park
Geo. A. Brown	J. F. Harrison	Geo. W. Potter
F. W. Bryant	C. W. Hawkins	W. H. Pryor
J. R. Buckman	J. M. Hayse	Clint Raymer
W. G. Buckner	Goebel B. Henson	R. R. Rogers
S. J. Bunger	H. M. Holbrook	Philip J. Ryan
W. A. Carson	H. B. Holland	C. W. Ryans
C. B. Carver	S. K. Holland	Chas. L. Seale
Lee Clark	W. W. Johnson	M. G. Slusher
Lonnie Cooper	D. C. Jones	W. R. Smith
Fred H. Coots	Mrs. H. G. Jorris	E. J. Snyder
J. D. Cox	W. O. Keller	Frank L. Strange
J. S. Cruse	J. R. Kelly	J. G. Swearengin
W. J. Curtis	Thos. H. King	W. S. Wallen
J. L. Cushing	Joe Martin	T. B. Watts
Mormon B. Daniel	Shelby Martin	
J. R. Dorman	A. M. Mercer	

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Those who voted in the negative were—

J. H. Baughman	J C. Hutcherson	Mac Swinford
Grover C. Johnson		

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Resolved that the title thereof be as aforesaid.

Mr. Meyers moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the orders of the day, a bill entitled:

H. B. 12. An Act to amend sections 1961 and 3914-B of Carroll's Kentucky Statutes, and also to amend an Act approved March 11, 1920, entitled "An Act prohibiting betting or wagering on horse races, other than at licensed race tracks, or within enclosures during regular meetings wherein running, trotting or pacing races are being conducted by associations regularly organized for that purpose and prescribing a penalty therefor."

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That 1961 of Carroll's Ky. Statutes be and it is amended by repealing and striking therefrom the following words, to-wit: "Nor shall its provisions apply to persons who sell combination or French pools on any regular race track during the races thereon;" so that said section, as thus amended, shall read as follows, to-wit:

"1961—The change of the name of any of the games, banks, tables, machines or contrivances, mentioned or included in the preceding sections, shall not prevent the conviction of any person violating the provisions thereof; but no prosecution shall be commenced under said section later than five years after the commission of the offense. An indictment for a violation of the preceding section may charge the accused in one account with any or all of the offenses mentioned or included therein."

§ 2. That 3914-b of Carroll's Ky. Statutes be and it is amended by repealing and striking therefrom sub-section 6 thereof, reading as follows: "The provisions of the act shall

not apply to enclosures during regular race meetings or such enclosures wherein horse racing is being conducted under license from the state racing commmission, and it shall not apply to enclosures during regular race meetings wherein trotting and pacing races are being conducted by a regularly organized association organized for that purpose;" so that said section, as thus amended, shall read as follows, to-wit:

"3914b-1. It shall be unlawful for any person to provide, manage, maintain, or keep any room, building, vessel or premises in this state, or to aid and abet others in so doing, wherein persons assemble and congregate to bet and wager money or other things of value on the result of any horse race, or any other contest between man or beast run or to be decided in this state, or any other state, or country, or advertised, posted or reported as having been run or to be run; or wherein any such money is bet or wagered or received and deposited to be transmitted elsewhere to another to so bet or wager, or wherein or whereat any money or other things of value shall be received or paid for any ticket, lot, pool or chance on the result of any such horse race or races run or to be run in or out of the Commonwealth of Kentucky, or advertised, posted or reported as having been so run or to be run, and any person or persons who shall violate any provisions of this section shall, on conviction, be fined not less than $1,000.00 nor more than $5,000.00 and confined in the county jail not less than 6 months nor more than 12 months for each offense; and each day that such pool room, building, float, vessel or other premises is thus maintained, kept, operated or conducted shall constitute a separate offense.

2. It shall be unlawful for any person to act as the agent or employe of any other person or corporation in establishing, setting up, maintaining, keeping, operating or conducting any such room, building, float, vessel or premises as is defined in section 1 of this act; and any person who shall violate any provision of this section shall on conviction be confined in the county jail not less than 6 months nor more than 1 year for

each offense; and each day any (person shall thus) aid, abet, or assist in maintaining, keeping, operating or conducting such room, building, float, vessel or premises, or shall act as agent or employe of any person or corporation, or firm or association, in maintaining, keeping, operating or conducting same, shall constitute a separate offense.

3. It shall be unlawful for any person, firm, association or corporation, either as owner or agent, to let, lease or rent to any other person, firm, association or corporation, any such room, building, float, vessel, or premises to be used or occupied for any of the purposes defined in section 1 of this act, or as owner, or agent, to permit to be so used or occupied after receiving notice thereof; and any person, firm, association or corporation that shall violate any of the provisions of this section shall upon conviction be fined in any sum not less than $1,000.00 nor more than $5,000.00 for each offense, and each day such room, building, float, vessel or premises shall be so used or occupied shall constitute a separate offense.

4. It shall be unlawful for any persons to assemble, congregate or meet for any purpose as set out in section 1 of this act in any such room, building, float, vessel or premises, and the persons so assembled, congregating or meeting, shall be guilty of an unlawful assembly and upon conviction shall be confined in the county jail not less than 10 nor more than 30 days.

5. It shall be the duty of the sheriff and all other officers vested with police power to suppress all such rooms, buildings, float, vessels, or premises as are defined in section 1 of this act, and any sheriff or other officer vested with police power who shall willfully fail or refuse to enforce this act by arresting violators thereof, shall, upon conviction, be imprisoner in the county jail not less than 6 months nor more than one year, and conviction of any such officer shall forfeit his office and render him ineligible to hold any other office in the gift of the Commonwealth."

§ 3. That an act entitled "An act prohibiting betting or wagering on horse races, other than at licensed race tracks, or within enclosures during regular meetings, wherein running, trotting or pacing races are being conducted by associations regularly organized for that purpose, and prescribing a penalty therefor," approved March 11, 1920, be, and it is amended by repealing and striking therefrom the following language, to-wit: "The provisions of this act shall not apply to bets or wagers made within the enclosure of a race course or track licensed by the state racing commission during an authorized and licensed race meeting at such race track or course, and it shall not apply to bets or wagers made in an enclosure during regular meetings wherein running, trotting or pacing races are being conducted by associations regularly organized for that purpose," so that the act, as amended, shall read as follows, to-wit:

"It shall be unlawful for any person, either for himself or an agent or employee of another, to bet, wager or hazard money or anything of value on a horse race run or to be run or advertised, posted or reported as being run or about to be run, at any race track in or out of this state, and any person so offending shall upon conviction be confined in the county jail not less than 1 nor more than 12 months.

"It shall be unlawful for any person, either for himself or as agent or employee of another, to engage in the business or occupation of receiving, making, transmitting, or negotiating, either in person or by messenger, or by telephone or telegraph, bets, wagers, or hazards on horse races run or to be run or advertised, posted or reported as being run or about to be run at any race track in or out of this state, and any person so offending shall upon conviction, be confined in the county jail for a period of not less than one nor more than 12 months.

"In any prosecution under this act, or in any investigation by an examining court or grand jury, it shall be no exemption for a witness that his testimony may criminate himself, but no such testimony given by the witness shall be used

against him in any prosecution except for false swearing or perjury, and he shall be discharged from liability for any violation of the law upon his part disclosed by his testimony, nor shall any person against whom he testifies be permitted to prove similar violation upon the part of such witness.

"In prosecutions under this act it shall not be incumbent upon the Commonwealth to prove that the horse race upon which the bet or wager was made was actually run; proof that the wager or bet was made upon what purported to be or what was advertised, reported, stated or understood to be a horse race shall be deemed sufficient to establish a prima facie case for the Commonwealth.

"All laws or parts of laws in conflict herewith are hereby repealed."

§ 4. All laws or parts of laws in conflict herewith are hereby repealed.

Mr. Bax moved the previous question.

Said motion was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only, and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows:

Those who voted in the affirmative were—

Lewis Allen	T. H. Benton	S. J. Bunger
Wm. J. Arvin	W. P. Bowman	C. B. Carver
W. O. Bach	D. F. Brown	Lee Clark
A. J. Baldridge	Geo. A. Brown	Lonnie Cooper
J. H. Baughman	F. W. Bryant	Fred H. Coots
W. B. Belknap	W. G. Buckner	C. L. Daly

Mormon B. Daniel	H. M. Holbrook	J. L. McDavid
E. J. Doss	H. B. Holland	F. T. Nichols
James M. Durham	S. K. Holland	Caleb Page
D. E. Edwards	J. C. Hutcherson	J. J. Patterson
J. O. Evans	Grover C. Johnson	Jas. J. Peters
D. W. Fowler	W. W. Johnson	W. H. Pryor
Otto C. Gartin	Mrs. H. G. Jorris	H. A. Pulliam
R. E. Glenn	W. O. Keller	Clint Raymer
C. C. Givens	Thos. H. King	E. J. Snyder
Whitsett Hall	A. M. Mercer	J. G. Swearengin
Lawrence Harmon	J. S. Milliken	Mac Swinford
J. F. Harrison	T. R. Moore	J. L. Valandingham
Goebel B. Henson	Chas. N. McCarty	Chiles Van Antwerp

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Those who voted in the negative were—

W. B. Ardery	J. R. Dorman	W. J. McGill
L. D. Bax	F. A. Gnau	Smith Park
Shaler Berry	C. W. Hawkins	Geo. W. Potter
C. H. Berryman	J. M. Hayse	Philip J. Ryan
J. R. Buckman	D. C. Jones	C. W. Ryans
W. A. Carson	J. R. Kelly	M. G. Slusher
J. D. Cox	Shelby Martin	W. R. Smith
J. S. Cruse	H. J. Meyers	Frank L. Strange
W. J. Curtis	H. H. Miller	W. S. Wallen
J. L. Cushing	L. P. Murphy	T. B. Watts

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Resolved that the title thereof be as aforesaid.

Mr. Lee Clark moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table

Said last named motion was agreed to.

Mr. Dorman moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

FRIDAY, FEBRUARY 5, 1926.

The House was opened with prayer by the Reverend D. H. Starns, of the Christian Church of Lexington, Kentucky.

The roll was called and the following members answered to their names, viz.:

Lewis Allen	James M. Durham	Shelby Martin
W. B. Ardery	D. E. Edwards	A. M. Mercer
Wm. J. Arvin	J. O. Evans	H. J. Meyers
W. O. Bach	D. W. Fowler	H. H. Miller
A. J. Baldridge	Otto C. Gartin	J. S. Milliken
J. H. Baughman	R. E. Glenn	T. R. Moore
L. D. Bax	C. C. Givens	L. P. Murphy
W. B. Belknap	F. A. Gnau	Chas. N. McCarty
T. H. Benton	Whitsett Hall	J. L. McDavid
Shaler Berry	Lawrence Harmon	W. J. McGill
C. H. Berryman	J. F. Harrison	Caleb Page
W. P. Bowman	C. W. Hawkins	Smith Park
D. F. Brown	J. M. Hayse	J. J. Patterson
Geo. A. Brown	Goebel B. Henson	Jas. J. Peters
F. W. Bryant	H. M. Holbrook	Geo. W. Potter
J. R. Buckman	H. B. Holland	W. H. Pryor
W. G. Buckner	S. K. Holland	H. A. Pulliam
S. J. Bunger	J. C. Hutcherson	Clint Raymer
W. A. Carson	E. M. Johnson	R. R. Rogers
C. B. Carver	Grover C. Johnson	Philip J. Ryan
Lee Clark	W. W. Johnson	C. W. Ryans
Lonnie Cooper	D. C. Jones	M. G. Slusher
Fred H. Coots	Mrs. H. G. Jorris	W. R. Smith
J. D. Cox	W. O. Keller	E. J. Snyder
J. S. Cruse	J. R. Kelly	Frank L. Strange
W. J. Curtis	Thos. H. King	J. G. Swearengin
J. L. Cushing	Oscar Leibson	Mac Swinford
C. L. Daly	W. W. Leslie	J. L. Valandingham
Mormon B. Daniel	Leon P. Lewis	Chiles Van Antwerp
J. R. Dorman	J. L. Manning	W. S. Wallen
E. J. Doss	Joe Martin	T. B. Watts

The reading of the Journal of yesterday's proceedings was dispensed with.

By unanimous consent, Mr. Milliken of the Committee on Revenue and Taxation No. 1, reported a bill of the following title, viz.:

H. B. 85. An Act classifying mineral oil and gas, for the purpose of taxation, as provided under Section 171 of the Constitution as amended, and providing how such property shall be assessed and the taxes collected thereon, as well as the distribution of the taxes when collected and repealing the act of March 29, 1918, Chapter 122, page 140, of the published Acts of the session of 1918, and repealing all laws or parts of laws in conflict with the provisions of this act.

With the expression of opinion that said bill ought not to pass.

Mr. Hutcherson moved that said bill be advanced to its first reading, the report of the Commititee to the contrary notwithstanding.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Hutcherson and Strange were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	Mormon B. Daniel	W. W. Leslie
W. B. Ardery	E. J. Doss	Leon P. Lewis
Wm. J. Arvin	D. E. Edwards	T. R. Moore
W. O. Bach	J. O. Evans	Chas. N. McCarty
J. H. Baughman	D. W. Fowler	W. J. McGill
W. B. Belknap	R. E. Glenn	J. J. Patterson
Shaler Berry	C. C. Givens	Jas. J. Peters
Geo. A. Brown	Whitsett Hall	H. A. Pulliam
W. G. Buckner	J. F. Harrison	Clint Raymer
S. J. Bunger	Goebel B. Henson	E. J. Snyder
C. B. Carver	H. B. Holland	Frank L. Strange
Lee Clark	J. C. Hutcherson	Mac Swinford
Fred H. Coots	Grover C. Johnson	J. L. Valandingham
C. L. Daly	Thos. H. King	Chiles Van Antwerp

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Those who voted in the negative were—

A. J. Baldridge	F. A. Gnau	H. H. Miller
L. D. Bax	Lawrence Harmon	J. S. Milliken
T. H. Benton	C. W. Hawkins	L. P. Murphy
C. H. Berryman	J. M. Hayse	J. L. McDavid
W. P. Bowman	H. M. Holbrook	Caleb Page
D. F. Brown	S. K. Holland	Smith Park
F. W. Bryant	E. M. Johnson	Geo. W. Potter
J. R. Buckman	W. W. Johnson	W. H. Pryor
W. A. Carson	D. C. Jones	R. R. Rogers
Lonnie Cooper	Mrs. H. G. Jorris	Philip J. Ryan
J. D. Cox	W. O. Keller	C. W. Ryans
J. S. Cruse	J. R. Kelly	Chas. L. Seale
W. J. Curtis	J. L. Manning	M. G. Slusher
J. L. Cushing	Joe Martin	W. R. Smith
J. R. Dorman	Shelby Martin	J. G. Swearengin
James M. Durham	A. M. Mercer	W. S. Wallen
Otto C. Gartin	H. J. Meyers	T. B. Watts

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Mr. Jones moved that the vote by which said bill was refused its first reading be reconsidered that said motion lie on the table.

Said last named motion was agreed to.

Mr. D. F. Brown requested that he be granted a leave of absence until next Tuesday morning.

Said request was granted.

Mr. Milliken of the Committee heretofore appointed by the Speaker to prepare suitable resolutions on the part of this House and acting in conjunction with a similar Committee appointed by the Senate, offered the following resolution, viz.:

Resolved—By the Senate of Kentucky, the House of Representatives concurring,

That the General Assembly has heard with profound regret of the death of Wible L. Mapother, President of the Louisville and Nashville Railroad system, and one of the most prominent and valuable citizens of the Commonwealth. Entering the employ of that corporation when a mere boy as Filing Clerk in the President's office, he climbed his way up through successive steps to the office of Vice President and Assistant to the President, the late Milton H. Smith, one of the great railroad builders of the country, and upon his death to the head of the system. Ascending from Filing Clerk to the Vice Presidency when only thirty-two years of age, and to the Presidency at forty-nine, beside serving as Regional Director of Railroads during the World's War, and dying when fifty-three years of age, marks his career as one of the most remarkable in the history of the State of which he was a native son. In his death the State has lost a worthy public spirited citizen and a man of great constructive and executive ability; the railroad world one of its most conspicuous figures; his wife a devoted husband, and his wide circle of friends a delightful associate and companion.

Said resolution was adopted.

Mr. Belknap moved that the session of today be extended indefinitely.

Said motion was agreed to.

The hour of eleven o'clock having arrived, that being the hour for the Special Order of the Day, the House took up for consideration said Special Order, viz.:

H. B. 77. An Act relating to revenue and taxation, imposing an excise tax on gasoline and other liquid fuels.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the word "gasoline" as used in this act, shall include all liquid fuels, including liquids ordinarily, practically and commercially usable in internal combustion engines for the generation of power, and all distillates of, and condensates from petroleum, natural gas, coal, coal tar, vegetable ferments, and all other products, so usable and sold in this Commonwealth at wholesale, as the words, "at wholesale" are defined herein, except kerosene, fuel oil and crude oil. A state tax of five (5) cents per gallon is hereby imposed on all gasoline, as defined herein, sold in this Commonwealth at wholesale, as the words "at wholesale" are hereinafter defined. No other excise or license tax shall be levied or assessed on gasoline by the state or any county, city, town or other district. The tax hereby provided for shall be paid by the person, firm, association or corporation so selling gasoline, and shall be paid by said person, firm, association or corporation into the general fund of the State Treasury in the manner and within the time hereinafter specified. The words "at wholesale" as used in this act, shall be held and construed to mean and include any and all sales made for the purpose of re-sale or distribution, or for use, and, as well, the gasoline furnished or supplied for distribution within this state, whether the distributor be the same person who so furnished the same, his agent or employee, or another person; and also to mean and include any person who shall purchase or obtain such gasoline without the state and sell or distribute or use the same within the state. Provided, that nothing herein contained shall be construed as authorizing or requiring the collection of such tax upon any gasoline after the same shall have been already once taxed under the provisions of this act.

§ 2. All taxes collected under the provisions of this act shall be paid into the State Treasury, and shall be used only for the purpose of the construation, reconstruction, maintenance and repair of roads and highways.

§ 3. Every person, or the treasurer or other proper officer or agent of every association, co-partnership or corporation selling gasoline at wholesale, as defined herein, shall keep and preserve an accurate record of all such sales, distribution and uses of gasoline, and shall on or before the last day of each month transmit to the State Tax Commission a statement, under oath or affirmation, on such forms as the State Tax Commission prescribe, of the total number of gallons of gasoline sold, distributed or used in each county of the state from their respective place or places of business so registered under the provisions of section 7 hereof during the preceding calendar month and made taxable by this act, and shall accompany said report by a certified or cashier's check, payable to the State Treasurer of Kentucky, for the amount of tax due for such preceding calendar month.

§ 4. If any such person, association, co-partnership or corporation neglects or refuses to make said return, or pay the tax at the time hereinbefore provided, the amount thereof, with an addition of twenty per centum thereof shall be collected on an account settled by the State Tax Commission, as other taxes are settled and collected; and, if collected by proceedings in any court, an additional penalty of twenty per centum shall be collected as authorized to be collected in revenue agents' proceedings under Section 4263-4 of the Kentucky Statutes.

The said twenty per centum penalty thereon shall be paid into the State Treasury as part of the tax, and the twenty per centum collected in revenue agents' proceedings shall be distributed as provided in Section 4263-4 of the Kentucky Statutes.

§ 5. The State Tax Commission, or any assistant or representative thereof, appointed in writing by it, is hereby authorized to examine the books, records, papers, files and equipment of any person, association, co-partnership or corporation pertaining to the business made taxable by this act,

and to that end, shall have the power to examine witnesses to verify the accuracy of any return made under the provisions of this act, or to ascertain whether or not any tax is due by any person, association, co-partnership or corporation under the provisions of this act, and, in the collection of said tax, the State Tax Commission shall have the power to institute legal proceedings for the purpose of ascertaining the amount of tax due and the collection thereof with the penalties thereon, and the State Tax Commission shall be vested with all the powers under the law of the state for the collection of taxes; but any information gained by the State Tax Commission, or any assistant, agent or representative thereof, as a result of the reports, investigations or verifications herein required to be made, shall be confidential, and any person divulging such information shall be guilty of a misdemeanor, and, upon conviction, shall be sentenced to pay a fine not exceeding five hundred ($500.00) dollars; provided, however, that this prohibition shall not extend to information required in prosecutions for making false reports or returns or in the preparation and prosecution of legal proceedings for the collection of any tax due under the provisions of this act, or any prosecutions for any other infraction of the tax laws of this state. If any witness shall fail or refuse to appear at the request of the State Tax Commission, or refuse access to any books, records, files, papers or equipment, the State Tax Commission shall certify such fact and the name of the witness, or witnesses, so failing and refusing to appear, or refusing access to any books records, papers, files or equipment to the circuit court of the county having jurisdiction of the party, and said court shall thereupon issue a summons for the said party to appear before it at a place designated within the jurisdiction of the court on a day fixed, and give such evidence and open for inspection such books, records, files and papers as may be required for the purpose of ascertaining whether or not any return so made is true and correct, or whether or not any per-

son, association, co-patnership or corporation has failed or refused to make a true and correct return under the provisions of this law; and the circuit court shall have all the power of a court of equity in punishing for contempt in any such proceedings. In order that the State Tax Commission may have additional means of checking up the accuracy of the reports made, and determining the amount of tax due by any person, association, co-opartnership or corporation, the records, books and other documents of common carriers, relative to the transportation of gasoline, are hereby declared to be accessible to the State Tax Commission.

§ 6. Any person, association, co-partnership or corporation, or the officers, directors, trustees or members of any association, co-partnership or corporation, who shall fail, neglect or refuse to make the returns and pay the tax herein prescribed, or who shall refuse to permit the State Tax Commission, its assistants, agents or representatives, appointed by it in writing, to examine the books, records, papers, files and equipment of such person, association, co-partnership or corporation pertaining to the business made taxable by this act, or who makes any incomplete, false or fraudulent return hereunder, or who does, or attempts to do, anything whatever to avoid a full disclosure of the amount of business done, or to avoid the payment of the whole or any part of the tax or penalties due, shall be guilty of a misdemeanor, and upon conviction, shall be fined not exceeding one thousand ($1,000.00) dollars, and in the case of an individual, he may be imprisoned in the county jail not exceeding six months, or both so fined and imprisoned. Such penalty shall be in addition to the penalty imposed hereinbefore in section 4 of this act.

§ 7. All wholesale dealers in gasoline, as defined in this act, engaged in such business in this state at the time this act shall go into effect, shall, within thirty days thereafter, and all wholesale dealers in gasoline, as defined herein, engaging

in the transaction of such business thereafter, shall prior to the commencement of such business, file a duly acknowledged certificate with the State Tax Commission on a form prescribed, prepared and furnished by it, which will set forth the name under which such dealer transacts or intends to transact such business within the state of Kentucky, and the place of business of such dealer, and, if such dealer has more than one place of business within the state, the places of each business and address of the principal place of business within the state; if such dealer is a firm, co-partnership or association, the names and addresses of such persons constituting such firm, co-partnership or association; and if a corporation, the names and addresses of the principal officers thereof, and such other information as may be required of it. No wholesale dealer, as herein defined, shall, after the date this act becomes effective, sell any gasoline, as herein defined, until such certificate is filed as required by this act, nor shall any dealer engaging in such business subsequent to the passage of this act commence such business without first filing such certificate with the State Tax Commission, and any change in any firm, co-partnership or association shall be reported; and any dealer failing to comply with the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine of not less than one hundred ($100.00) dollars, nor more than one thousand ($1,000.00) dollars.

§ 8. It shall be the duty of the State Tax Commission to administer and enforce the provisions of this act, and it is hereby authorized and empowered to prescribe and furnish all blanks, forms and reports necessary in carrying out the provisions of this act. It shall certify each month to the State Auditor the total amount of tax due from each wholesale dealer during the preceding month under the provisions of this act, and accompanying said certification by the checks received by it for the payment of said tax.

§ 9. The provisions of this act are severable, and if any of its provisions shall be held unconstitutional the decisions of the courts shall not affect or impair any of the remaining provisions of this act. It is hereby declared as a legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein.

§ 10. Beginning with sales of gasoline as defined herein, made on and after July 1, 1928, only three (3) cents of the five cents excise tax on gasoline, provided for in section 1, of this act, shall be levied and collected under the provisions of this act.

§ 11. All of the provisions of Chapter 93 of the Acts of the General Assembly of 1920 and all of the provisions of Chapter 90 of the Acts of the General Assembly of 1922, and all of the provisions of Chapter 120 of the Acts of the General Assembly of 1924 are hereby repealed and this act is enacted in lieu of all of said acts; and shall constitute and embrace all of the law of this Commonwealth, imposing any tax upon gasoline as defined herein.

§ 12. The importance of continuing and, immediate speeding up the construction and reconstruction of the public or primary road system of the Commonwealth of Kentucky, being paramount, an emergency is hereby declared, and this bill shall be in effect from and after is passage and approval by the Governor.

Mr. S. K. Holland offered the following Amendment thereto by way of Substitute therefor, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the word "gasoline" as used in this act, shall include all liquid fuels, including liquids ordinarily, practically and commercially usable in internal combustion engines for the generation of power, and all distillates of, and condensates from petroleum, natural gas, coal, coal tar, vegetable fer-

ments, and all other products, so usable and sold in this Commonwealth at wholesale, as the words, "at wholesale" are defined herein, except kerosene, fuel oil and crude oil as such. A state tax of five (5) cents per gallon is hereby imposed on all gasoline, as defined herein, sold in this Commonwealth at wholesale, as the words "at wholesale" are herinafter defined. No other excise or license tax shall be levied or assessed on gasoline by the state or any county, city, town or other district. The tax hereby provided for shall be paid by the person, firm, association or corporation so selling gasoline, and shall be paid by said person, firm or corporation into the general fund of the State treasury in the manner and within the time thereinafter specified. The words "at wholesale" as used in this act, shall be held and construed to mean and include any and all sales made for the purpose of resale or distribution, or for use, and, as fell, the gasoline furnished or supplied for distribution within this state, whether the distributor be the same person who so furnished the same, his agent or employee, or another person; and also to mean and include any person who shall purchase or obtain such gasoline without the state and sell or distribute or use the same within the state. Provided, that nothing herein contained shall be construed as authorizing or requiring the collection of such tax upon any gasoline after the same shall have been already once taxed under the provisions of this act.

§ 2. All taxes collected under the provisions of this act shall be paid into the State treasury, and shall be used only for the purpose of the construction, reconstruction, maintenance and repair of roads and highways.

§ 3. Every person, or the treasurer or other proper officer or agent of every association, co-partnership or corporation selling gasoline at wholesale, as defined herein, shall keep and preserve an accurate record of all such sales, distribution and uses of gasoline, and shall on or before the last day of each month transmit to the State Tax Commission a statement, under oath or affirmation, on such forms as the

State Tax Commission prescribe, of the total number of gallons of gasoline sold, distributed or used in each county of the state from their respective place or places of business so registered under the provisions of section 7 hereof during the preceding calendar month and made taxable by this act, and shall accompany said report by a certified or cashier's check, payable to the State Treasurer of Kentucky, for the amount of tax due for such preceding calendar month.

§ 4. If any such person, association, co-partnership or corporation neglects or refuses to make said return, or pay the tax at the time hereinbefore provided, the amount thereof, with an addition of twenty per centum thereof, with six per cent interest per annum from the date when due until paid, shall be collected on an account settled by the State Tax Commission, as other taxes are settled and collected; and, if collected by proceedings in any court, an additional penalty of twenty per centum shall be collected as authorized to be collected in revenue agents' proceedings under section 4263-4 of the Kentucky Statutes.

The said twenty per centum penalty thereon and interest due shall be paid into the State treasury as part of the tax, and the twenty per centum penalty collected in revenue agents' proceedings shall be distributed as provided in Section 4263-4 of the Kentucky Statutes.

§ 5. The State Tax Commission, or any assistant or representative thereof, appointed in writing by it, is hereby authorized to examine the books, records, papers, files and equipment of any person, association, co-partnership or corporation pertaining to the business made taxable by this act, and to that end, shall have the power to examine witnesses to verify the accuracy of any return made under the provisions of this act, or to ascertain whether or not any tax is due by any person, association, co-partnership or corporation under the provisions of this act, and, in the collection of said tax, the State Tax Commission shall have the power to institute legal

proceedings for the purpose of ascertaining the amount of tax due and the collection thereof with the penalties thereon, and the State Tax Commission shall be vested wiith all the powers under the law of the state for the collection of taxes. The State Tax Commission may, at or after the commencement of an action for the purpose of collecting the amount of tax due and penalties and interest due thereon as set out herein have an attachment against the property of the defendant, including garnishees, without the execution of a bond upon the filing of an affidavit showing the nature of the claim, that it is just, the sum which the State Tax Commission believes the plaintiff ought to recover and the collection of the demand will be endangered by delay in obtaining judgment or a return of no property found. Any information gained by the State Tax Commission, or any assistant, agent or representative thereof, as a result of the reports, investigations or verifications herein required to be made, shall be confidential, and any person divulging such information shall be guilty of a misdemeanor, and upon conviction, shall be sentenced to pay a fine not exceeding five hundred ($500.00) dollars; provided, however, that this prohibition shall not extend to information required in prosecutions for making false reports or returns or in the preparation and prosecution of legal proceedings for the collection of any tax due under the provisions of this act, or any prosecutions for any other infraction of the tax laws of this state. If any witness shall fail or refuse to appear at the request of the State Tax Commission, or refuse access to any books, records, files, papers or equipment, the State Tax Commission shall certify such fact and the name of the witness, or witnesses, so failing and refusing to appear, or refusing access to any books, records, papers, files or equipment to the circuit court of the county having jurisdiction of the party, and said court shall thereupon issue a summons for the said party to appear before it at a place designated within the jurisdiction of the court on a day fixed, and give such evidence and open for inspection such books, records, files and papers

as may be required for the purpose of ascertaining whether or not any return so made is true and correct, or whether or not any person, association, co-partnership or corporation has failed or refused to make a true and correct return under the provisions of this law; and the circuit court shall have all the power of a court of equity in punishing for contempt in any such proceeding. In order that the State Tax Commission may have additional means of checking up the accuracy of the reports made, and determining the amount of tax due by any person, association, co-partnership or corporation, the records, books and other documents of common carriers, relative to the transportation of gasoline, are hereby declared to be accessible to the State Tax Commission.

§ 6. Any person, association, co-partnership or corporation, or the officers, directors, trustees or members of any association, co-partnership or corporation, who shall fail, neglect or refuse to make the returns and pay the tax herein prescribed or shall refuse to permit the State Tax Commission, its assistants, agents or representatives, appointed by it in writing, to examine the books, records, papers, files and equipment of such person, association, co-partnership or corporation pertaining to the business made taxable by this act, or who makes any incomplete, false or fraudulent return hereunder, or who does, or attempts to do, anything whatever to avoid a full disclosure of the amount of business done, or to avoid the payment of the whole or any part of the tax or penalties due, shall be guilty of a misdemeanor, and upon conviction, shall be fined not exceeding one thousand ($1,000.00) dollars, and in the case of an individual, he may be imprisoned in the county jail not exceeding six months, or both so fined and imprisoned. Such penalty shall be in addition to the penalty imposed hereinbefore in section 4 of this act.

§ 7. All wholesale dealers in gasoline, as defined in this act, engaged in such business in this state at the time this act shall go into effect, shall, within thirty days thereafter,

and all wholesale dealers in gasoline, as defined herein, engaging in the transaction of such business thereafter, shall, prior to the commencement of such business, file a duly acknowledged certificate with the State Tax Commission on a form prescribed, prepared and furnished by it, which will set forth the name under which such dealer transacts or intends to transact such business within the state of Kentucky, and the place of business of such dealer, and, if such dealer has more than once place of business within the state, the places of each business and address of the principal place of business within the state; if such dealer is a firm, co-partnership or association, the names and addresses of such persons constituting such firm, co-partnership or association; and if a corporation, the names and addresses of the principal officers thereof, and such other information as may be required of it. No wholesale dealer, as herein defined, shall, after the date this act becomes effective, sell any gasoline, as herein defined, until such certificate is filed as required by this act, nor shall any dealer engaging in such business subsequent to the passage of this act commence such business without first filing such certificate with the State Tax Commission, and any change in any firm, co-partnership or association shall be reported; and any dealer failing to comply with the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine of not less than one hundred ($100.00) dollars, nor more than one thousand ($1,000.00) dollars.

§ 8. It shall be the duty of the State Tax Commission to administer and enforce the provisions of this act, and it is hereby authorized and empowered to prescribe and furnish all blanks, forms and reports necessary in carrying out the provisions of this act. It shall certify each month to the State Auditor the total amount of tax due from each wholesale dealer during the preceding month under the provisions of this act, and accompanying said certification by the checks received by it for the payment of said tax.

§ 9. No suit shall be maintained in any court to restrain the collection of the tax herein imposed upon any ground whatever, but the aggrieved taxpayer must pay the tax as and when due, and if paid under protest may at any time within two years from the date of such payment sue the Auditor of Public Accounts in an action at law to recover the tax so paid, with legal interest thereon from the date of its payment. If it is finally determined that said tax, or any part thereof, was wrongfully collected for any reason, it shall be the duty of the Auditor of Public Accounts then in office to issue his warrant on the Treasurer of the Commonwealth of Kentucky for the amount of such tax so adjudged to have been wrongfully collected, together with interest thereon, and the Treasurer shall pay same out of the public road fund of the state. A separate suit need not be filed for each separate payment made by any taxpayer, but a recovery may be had in one suit for as many payments as may have been made, and which are not barred by the limitation of two years herein imposed.

§ 10. The provisions of this act are severable and if any of its provisions or any penalty provided by this act shall be held unconstitutional, such provision or the particular penalty held to be invalid may be rejected without affecting the remainder of the act or such part of the penalties as are not held to be invalid and the decisions of the courts shall not affect or impair the remaining provisions of this act or any of the other penalties anywhere in this act provided. It is hereby declared as a legislative intent that this act would have been adopted had such unconstitutional provisions or such invalid penalties not been included therein.

§ 11. Beginning with sales of gasoline as defined herein, made on and after July 1, 1928, only three (3) cents of the five cents excise tax on gasoline, provided for in section 1, of this act, shall be levied and collected under the provisions of this act.

§ 12. All of the provisions of Chapter 93 of the Acts of the General Assembly of 1920 and all of the provisions of

Chapter 90 of the Acts of the General Assembly of 1922, and all of the provisions of Chapter 120 of the Acts of the General Assembly of 1924 are hereby repealed and this act is enacted in lieu of all of said acts; and shall constitute and embrace all of the law of this Commonwealth, imposing any tax upon gasoline as defined herein.

§ 13. The importance of continuing and, immediate speeding up the construction and reconstruction of the public or primary road system of the Commonwealth of Kentucky, being paramount, an emergency is hereby declared, and this bill shall be in effect from and after its passage and approval by the Governor.

Mr. Fowler offered the following Amendments to said Substitute:

Amend Substitute for H. B. 77 by striking therefrom Section 13 on page 8 of the printed bill.

Amend Substitute for H. B. 77 by striking therefrom Section 13 of the printed bill and substituting therefor these words:

Section 13. This act shall become effective July 1, 1926.

Amend Substitute for H. B. 77 by striking out Section 11 of the printed bill and substituting these words:

Section 11. Beginning with sales of gasoline as defined herein made on and after July 1, 1926, only 3 cents of the 5 cents excise tax on gasoline provided for in Section 1 of this Act shall be levied and collected under the provisions of this Act.

Amend Substitute H. B. 77 by adding to Section 2, line 4, page 2 of the printed bill these words:

Provided that two-fifths of all revenue accruing to the Commonwealth under this act shall be set aside in a separate

fund to be known as the "Main Highway Fund" and shall be used solely for the following purposes:

First, Construction of gaps in the Midland Trail in Eastern Kentucky; second, completion of the Eastern Dixie Highway; third, resurfacing and draining portions of the Western Dixie Highway not now maintained by the state; fourth, completion of the Dixie Bee Line as a hard surface road; fifth, surfacing the Ohio River Road from Louisville to Paducah and grading portions of same not now graded; sixth, completion of the Jefferson Davis Highway.

Any portion of said two-fifths of the revenue received under this act which shall remain in the "Main Highway Fund" at the end of the calendar year 1926 shall be devoted to the construction of a highway from Bardstown to Crab Orchard, of a highway from Glasgow to Burkesville and a highway from Sebree in Webster County to the Dixie Bee Line.

Amend Substitute for H. B. 77 by striking out the words "5 cents" wherever they appear therein and substituting therefor the words "3 cents;" and by striking out Section 11 thereof and substituting therefor these words:

Section 11. No member of the State Highway Commission, nor his bondsmen, shall be held financially responsible for any deficit in the State Road Fund growing out of the expenditure of money on State roads, and immunity from such financial responsibility is hereby granted to all members of the present commission.

It is the purpose of this section to reverse and change the law as described by the Kentucky Court of Appeals in the case of Billiter & Wiley v. State Highway Commission, which held that the State Highway Commission could not expend more revenue in its biennial period than its income for that

period and that contracts let in excess of that income were invalid.

Said amendments were each and severally disagreed to.

Mr. Givens offered the following Amendment to said Substitute, viz.:

Amend Substitute for H. B. 77 by striking therefrom Section 2 of the printed bill and substituting therefor the following:

One half of all moneys accruing to the Commonwealth of Kentucky from the gasoline tax imposed in this act may be and the same is hereby appropriated to the several counties of the Commonwealth of Kentucky in proportion to their land area in square miles, to be used and expended by said counties only in the construction, reconstruction maintenance and repair with permanent material, of public roads.

2a. The basis of the appropriation and apportionment to several counties shall be the land area in square miles of every county as shown by the report of the Federal census of 1920 for the State of Kentucky, as follows:

Adair	400
Anderson	201
Barren	485
Bell	384
Bourbon	304
Boyle	186
Breathitt	483
Bullitt	308
Caldwell	322
Campbell	145
Carroll	132
Casey	379

Clark 265
Clinton 233
Cumberland 387
Edmonson 308
Estill 254
Fleming 325
Franklin 199
Gallatin 109
Grant 264
Grayson 497
Greenup 346
Hardin 606
Harrison 311
Henderson 435
Hickman 225
Jackson 333
Jessamine 172
Kenton 163
Allen 394
Ballard 252
Bath 270
Boone 251
Boyd 159
Bracken 204
Breckinridge 568
Butler 417
Calloway 412
Carlisle 198
Carter 413
Christian 725
Clay 478
Crittenden 391
Daviess 478
Elliott 263
Fayette 269

Floyd 399
Fulton 193
Garrard 237
Graves 551
Green 279
Hancock 193
Harlan 478
Hart 430
Henry 303
Hopkins 546
Jefferson 387
Johnson 268
Knott 348
Knox 356
Laurel 447
Lee 199
Letcher 355
Lincoln 338
Logan 643
McCracken 239
McLean 253
Magoffin 302
Marshall 327
Mason 227
Menifee 203
Metcalfe 303
Montgomery 198
Muhlenburg 472
Nicholas 308
Oldham 180
Owsley 216
Perry 335
Powell 181
Robertson 109
Rowan 272

Scott	289
Simpson	216
Taylor	279
Trigg	428
Union	325
Washington	299
Webster	344
Wolfe	230
Larue	228
Lawrence	422
Leslie	373
Lewis	491
Livingston	382
Lyon	277
McCreary	406
Madison	446
Marion	345
Martin	227
Meade	301
Mercer	253
Monroe	441
Morgan	365
Nelson	411
Ohio	583
Owen	367
Pendleton	279
Pike	779
Pulaski	628
Rockcastle	310
Russell	329
Shelby	427
Spencer	186
Todd	367
Trimble	154
Warren	530
Wayne	478

Whitley 442
Woodford 195

The Treasurer of the Commonwealth of Kentucky shall each months after this act becomes effective and prior to the last day of each month, apportion and pay to the several counties of this Commonwealth all moneys accruing under this act to such counties, which have been received by him prior to the first day of each month, in proportion to the land areas of said counties in square miles as set forth in this Act.

The County Judge of each county having a Treasurer shall certify in writing to the Treasurer of the State the name and post office address of the Treasurer of said county; and if the county has no Treasurer, the County Judge shall certify to the State Treasurer, the name and post office address of the Sheriff of said county; and shall thereafter notify the State Treasurer of any change in the name and post office address of the County officer entitled to receive said fund. The Treasurer of the Commonwealth of Kentucky shall remit all funds due a county under this act to the Treasurer of said county, if said county has a treasurer; and if any county has no treasurer then same shall be remitted to the Sheriff of said County. All funds received by any county under this act shall be kept in a separate fund, and shall be used by said county only for the purposes herein stated and for no other purpose.

Publication shall be made each month in some newspaper of general circulation in the county of all claims allowed against this fund for the previous month, in detail, giving the number of the warrant, to whom issued, for what and the amount thereof; together with a general statement regarding any and all contracts entered into, the nature thereof and the approximate amount involved; and a brief synopsis of the proceedings otherwise. It shall be the duty of the County Clerk to prepare such statements for publication once each month, the same to be attested by the County Judge,

who shall designate the newspaper of general circulation in the county in which publication shall be made, and furnish to such newspaper the statements hereinbefore required in this section. Any officer failing to perform the duties imposed upon him under this section shall be fined not less than $100.00 or more than $500.00 for each offense.

The remaining half of all taxes collected under the provisions of this act shall be paid into the State Treasury and shall be used only for the purpose of the construction, reconstruction, maintenance and repair of roads and highways.

Said amendment was disagreed to.

The yeas and nays being required thereon by Messrs. Givens and Pulliam were as follows, viz.:

Those who voted in the affirmative were—

W. B. Ardery	F. A. Gnau	Jas. J. Peters
J. H. Baughman	J. F. Harrison	W. H. Pryor
James M. Durham	H. B. Holland	Mac Swinford
D. W. Fowler	Chas. N. McCarty	J. L. Valandingham
C. C. Givens	F. T. Nichols	W. S. Wallen

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Those who voted in the negative were—

Lewis Allen	F. W. Bryant	C. L. Daly
Wm. J. Arvin	J. R. Buckman	Mormon B. Daniel
W. O. Bach	W. G. Buckner	J. R. Dorman
A. J. Baldridge	S. J. Bunger	E. J. Doss
L. D. Bax	W. A. Carson	D. E. Edwards
W. B. Belknap	C. B. Carver	J. O. Evans
T. H. Benton	Lee Clark	Otto C. Gartin
Shaler Berry	Lonnie Cooper	R. E. Glenn
C. H. Berryman	J. D. Cox	Whitsett Hall
W. P. Bowman	J. S. Cruse	Lawrence Harmon
D. F. Brown	W. J. Curtis	C. W. Hawkins
Geo. A. Brown	J. L. Cushing	J. M. Hayse

Goebel B. Henson	J. L. Manning	Geo. W. Potter
H. M. Holbrook	Joe Martin	H. A. Pulliam
S. K. Holland	Shelby Martin	R. R. Rogers
J. C. Hutcherson	A. M. Mercer	Philip J. Ryan
E. M. Johnson	H. H. Miller	C. W. Ryans
Grover C. Johnson	J. S. Milliken	Chas. L. Seale
D. C. Jones	T. R. Moore	M. G. Slusher
Mrs. H. G. Jorris	L. P. Murphy	W. R. Smith
W. O. Keller	J. L. McDavid	E. J. Snyder
J. R. Kelly	W. J. McGill	Frank L. Strange
Thos. H. King	Caleb Page	J. G. Swearengin
W. W. Leslie	Smith Park	Chiles Van Antwerp
Leon P. Lewis	J. J. Patterson	T. B. Watts

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Mr. Raymer offered the following amendment to said Substitute, viz.:

Insert after Section 1 the following: "Gasoline used by motor boats, tractors and stationary engines, be and are hereby exempt from the five cent tax."

Said amendment was disagreed to.

Said substitute was then adopted.

Ordered that said bill be engrossed and read the third time.

The Constitutional provisions as to the third reading of said bill at length being dispensed with and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	J. H. Baughman	T. H. Benton
Wm. J. Arvin	L. D. Bax	W. P. Bowman
A. J. Baldridge	W. B. Belknap	D. F. Brown

Geo. A. Brown	Whitsett Hall	A. M. Mercer
F. W. Bryant	Lawrence Harmon	H. H. Miller
J. R. Buckman	C. W. Hawkins	J. S. Milliken
W. G. Buckner	J. M. Hayse	T. R. Moore
S. J. Bunger	Goebel B. Henson	L. P. Murphy
W. A. Carson	H. M. Holbrook	J. L. McDavid
C. B. Carver	S. K. Holland	W. J. McGill
Lee Clark	J. C. Hutcherson	Caleb Page
Lonnie Cooper	E. M. Johnson	Smith Park
Fred H. Coots	Grover C. Johnson	Jas. J. Peters
J. D. Cox	W. W. Johnson	Geo. W. Potter
J. S. Cruse	D. C. Jones	Clint Raymer
W. J. Curtis	Mrs. H. G. Jorris	Chas. L. Seale
C. L. Daly	W. O. Keller	M. G. Slusher
J. R. Dorman	J. R. Kelly	W. R. Smith
E. J. Doss	Thos. H. King	E. J. Snyder
James M. Durham	W. W. Leslie	Frank L. Strange
D. E. Edwards	Leon P. Lewis	J. G. Swearengin
J. O. Evans	J. L. Manning	J. L. Valandingham
Otto C. Gartin	Joe Martin	W. S. Wallen
R. E. Glenn	Shelby Martin	

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Those who voted in the negative were—

W. B. Ardery	F. A. Gnau	H. A. Pulliam
W. O. Bach	J. F. Harrison	R. R. Rogers
Shaler Berry	H. B. Holland	Philip J. Ryan
C. H. Berryman	H. J. Meyers	C. W. Ryans
J. L. Cushing	Chas. N. McCarty	Mac Swinford
Mormon B. Daniel	F. T. Nichols	Chiles Van Antwerp
D. W. Fowler	J. J. Patterson	T. B. Watts
C. C. Givens	W. H. Pryor	

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Resolved that the title thereof be as aforesaid.

Mr. S. K. Holland moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Meyers moved that the House do now adjourn until next Monday, February 8, at one o'clock.

Said motion was agreed to.

And then the House adjourned.

MONDAY, FEBRUARY 8, 1926.

The House was opened with prayer by the Reverend Father Klosterman of the Roman Catholic Church of Frankfort.

The roll was called and the following members answered to their names, viz:

Lewis Allen	W. J. Curtis	J. C. Hutcherson
W. B. Ardery	J. L. Cushing	E. M. Johnson
Wm. J. Arvin	C. L. Daly	Grover C. Johnson
W. O. Bach	Mormon B. Daniel	W. W. Johnson
A. J. Baldridge	J. R. Dorman	D. C. Jones
J. H. Baughman	E. J. Doss	Mrs. H. G. Jorris
L. D. Bax	James M. Durham	W. O. Keller
W. B. Belknap	D. E. Edwards	J. R. Kelly
T. H. Benton	J. O. Evans	Thos. H. King
Shaler Berry	D. W. Fowler	Oscar Leibson
C. H. Berryman	Otto C. Gartin	W. W. Leslie
W. P. Bowman	R. E. Glenn	Leon P. Lewis
Geo. A. Brown	C. C. Givens	J. L. Manning
F. W. Bryant	F. A. Gnau	Joe Martin
J. R. Buckman	Whitsett Hall	A. M. Mercer
W. G. Buckner	Lawrence Harmon	H. J. Meyers
S. J. Bunger	J. F. Harrison	J. S. Milliken
W. A. Carson	C. W. Hawkins	T. R. Moore
C. B. Carver	J. M. Hayse	L. P. Murphy
Lee Clark	Goebel B. Henson	Chas. N. McCarty
Lonnie Cooper	H. M. Holbrook	J. L. McDavid
Fred H. Coots	H. B. Holland	W. J. McGill
J. D. Cox	S. K. Holland	F. T. Nichols
J. S. Cruse	Ira L. Horne	Smith Park

J. J. Patterson	Philip J. Ryan	Mac Swinford
Jas. J. Peters	C. W. Ryans	J. L. Valandingham
Geo. W. Potter	Chas. L. Seale	Chiles Van Antwerp
W. H. Pryor	W. R. Smith	C. D. Vincent
H. A. Pulliam	E. J. Snyder	W. S. Wallen
Clint Raymer	Frank L. Strange	T. B. Watts
R. R. Rogers	J. G. Swearengin	

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. Smith moved that a leave of absence be granted to Mr. Slusher.

Said motion was agreed to.

Mr. Van Antwerp requested that a leave of absence be granted him until tomorrow morning.

Said request was granted.

Mr. Strange moved that the privileges of the floor be extended to Mr. E. E. Nelson and Mr. Chas. Morris.

Said motion was agreed to.

Mr. Nichol moved that the privileges of the floor be extended to Mr. G. W. Shadoan.

Said motion was agreed to.

Mr. Leslie offered the following resolution, viz:

Resolution Requesting The Sinking Fund Commission to Remove The Street Car Waiting Station.

Whereas, the State has purchased additional ground at the North entrance to the Capital grounds, more suitable for a site for the Street Car Waiting Station than its present location, and,

Whereas, many collisions between automobiles and street cars have occurred at Capital Avenue and Todd Streets by reason of drivers of machines coming up Capital Avenue and motor men going east on Todd street being unable to see the approach of the other, and for the further reason of being a better location, and in order to prevent collision and injury, by reasons of cars coming to a stop before reaching this dangerous crossing.

Be It Resolved, by the House of Representatives of Kentucky:

Section 1. That the Sinking Fund Commission be, and is, hereby requested to remove the Street Car Waiting Station from its present site, and erect a Waiting Station in keeping with the Capital building, at a suitable point on the newly purchased ground on Todd Street west of Capital Avenue approach.

Said resolution was adopted.

Mr. Keller moved that a bill entitled:

H. B. 117. An Act relating to revenue and taxation, fixing annual tax rate on unmanufactured agricultural products,

Be made a Special Order of this House for Tuesday, February 9, at eleven o'clock A. M.

Said motion was agreed to.

Mr. Wallen moved that John S. Milliken be appointed Honorary Page of this House.

Said motion was agreed to.

Mr. Strange moved that the privileges of the floor be extended to Mr. H. T. Hines.

Said motion was agreed to.

Upon a call of the Counties and Legislative Districts, the following bills were introduced, ordered printed and referred as follows, viz.:

By Mr. E. M. Johnson:

H. B. 398. An Act authorizing the fiscal court in each county, other than counties having therein cities of the first and second class to adopt, provide for, and maintain a system of general indexing of the records of all of the real estate of said counties.

To Committee on County and City Courts.

By same.

H. B. 399. An Act establishing and making the road leading from Walton through Verona to Glencoe, a part of the primary system of State Highways of the Commonwealth of Kentucky.

To Committee on Roads and Highways No. 2.

By Mr. McDavid:

H. B. 400. An Act to amend an Act of the General Assembly of the 1924 session, relating to holding courts and changing the time of holding court in the thirty-seventh Judicial District.

To Committee on Circuit Courts.

By Mr. Ryan:

H. B. 401. An Act providing for the enforcement of contribution among wrongdoers.

To Committee on Kentucky Statutes.

By Mr. Berryman:

H. B. 402. An Act to regulate the selling, offering or exposing for sale of agricultural seeds; making an appropriation of $10,000 to administer and enforce the Act; providing penalties for its violation and prescribing the duties of the enforcing officers; and to repeal all laws and parts of laws in conflict with this Act.

To Committee on Agriculture.

By Mr. Wallen:

H. B. 403. An Act authorizing a State Bond Issue for Roads.

To Committee on Roads and Highways No. 1.

By Mr. Henson:

H. B. 404 An Act to amend and re-enact Sections 2380-1 and Sections 2380-2 of Kentucky Statutes, Carroll's Edition, 1922, providing for the drainage of lands, construction and reconstruction of levees and ditches, and the reclamation of low, swampy and overflowed lands and relating generally to the drainage of lands.

To Committee on Public Ditches.

By Mr. Mercer:

H. B. 405. An Act to establish a new State Primary Road Project to be known as Project No. ——, to begin at Mundfordville the county seat to Hart County and to extend by route near old home of Gen. Simon Bolivar Buckner to a

point in "Jackson Highway" south of Pikeview between Pikeview and Linwood.

To Committee on Roads and Highways No. 2.

By Mr. Jones:

H. B. 406. An Act relating to roads and highways.

To Committee on Roads and Highways No. 2.

By same:

H. B. 407. An Act relating to roads and highways.

To Committee on Roads and Highways No. 2.

By Mr. Swinford.

H. B. 408. An Act to re-enact Section 3520 of Kentucky Statutes, relating to appeals from judgments and orders of police courts in civil actions, in cities of the fourth class.

To Committee on Cities of Fourth Class.

By Mr. Coots:

H. B. 409. An Act to amend Section 5, Chapter 17 of the Acts of the General Assembly of 1920, which is Section 4356t-5 of Carroll's Kentucky Statutes, relating to roads and highways, and establishing and creating Project No. ——, to be added to the primary system of roads and highways.

To Committee on Roads and Highways No. 2.

By Mr. G. C. Johnson:

H. B. 410. An Act establishing and designating the road leading from Elizabethtown in Hardin County to Bel-

mont in Bullitt County, via Woolridge Ferry, a state primary road Project No. ——.

To Committee on Roads and Highways No. 2.

By same:

H. B. 411. An Act in relation to the mode of execution of death sentences and providing that same shall be by hanging all persons sentenced to death by courts of competent jurisdiction and repealing Kentucky Statutes, Section 1137-1.

To Committee on Criminal Law.

By Mr. Leslie:

H. B. 412. An Act providing for the retirement of certain school teachers of this Comonwealth and providing the amount of allowance and by whom and from what funds same is to be paid and the duration of payment.

To Committee on Education No. 1.

By same:

H. B. 413. An Act to amend and re-enact Subsection 2 of Section 2117, Carroll's Kentucky Statutes, relating to divorce.

To Committee on Judiciary.

By Mr. Fowler:

H. B. 414. An Act making an appropriation for the purchase of 15 acres of land adjoining the burial place of President Zachary Taylor in Jefferson County, Kentucky.

To Committee on Appropriations No. 2.

By Mr. Lewis:

H. B. 415. An Act to amend Section 24 of an Act entitled "An Act to amend the school laws and to create Boards of Education and to define their duties in cities of the first class," approved March 4, 1910.

To Committee on Municipalities.

By same:

H. B. 416. An Act to repeal and re-enact an Act entitled "An Act to create a commission known as the Child Welfare Commission, and to prescribe its duties and functions," Chapter 107, Acts 1922.

To Committee on Juvenile Courts and Children's Homes.

By same:

H. B. 417. An Act enabling the fiscal courts or county commissioners of each county to establish and maintain a county children's bureau.

To Committee on Juvenile Courts and Children's Homes.

By Mr. Hayse:

H. B. 418. An Act regulating the hauling of garbage and waste materials in motor vehicles through the streets by the municipal authorities in cities of the first class.

To Committee on Municipalities.

By Mr. Watts:

H. B. 419. An Act to amend Section 1763 of Carroll's Kentucky Statutes, 1925 Edition.

To Committee on Bond Issues.

By same:

H. B. 420. An Act providing for the appointment of assistant Chief Deputy Sheriffs in counties having a city of the first class, and fixing their duties and compensations.

To Committee on Bond Issues.

By same:

H. B. 421. An Act to amend and re-enact Section 1697 relating to personal property.

To Committee on Kentucky Statutes.

By Mr. Baldridge:

H. B. 422. An Act to amend Chapter 108, Acts General Assembly of the Commonwealth of Kentucky, for year 1922, relating to the classification of cities and towns.

To Committee on Classification of Cities and Towns.

By Mr. Cushing:

H. B. 423. An Act to amend and re-enact Section 3096 of the Kentucky Statutes (Carroll's 1915 Edition) relating to the improvement of streets, public ways, grounds and sidewalks in cities of the second class.

To Committee on Cities of 2nd and 3rd Classes.

By same:

H. B. 424. An Act placing Mussel Shell Beds in the Ohio River and other Kentucky streams under the control and reg-

ulation of the State Game and Fish Commission, providing for a license for catching mussels and imposing penalties for violations of the provisions of this act and regulations made under authority thereof.

To Committee on Revenue and Taxation No. 1.

By Mr. Durham:

H. B. 425. An Act relating to roads and bridges and establishing a new project to be a part of the State Primary System of roads from Barboursville, Knox County, to Hyden, Leslie County, via Artemus.

To Committee on Roads and Highways No. 2.

By Mr. Bowman:

H. B. 426. An Act amending Section 6, Chapter 63, Acts of the General Assembly of the Commonwealth of Kentucky for 1924, relating to the certification of teachers.

To Committee on Education No. 1.

By Mr. Harmon:

H. B. 427. An Act to add to project No. — in Wayne County by including in the State Primary System of roads the route from Monticello, Wayne County, to the Tennessee State line, following the top of the mountain between Mt. Pisgah and Slickford, after passing Cooper post office.

To Committee on Roads and Highways No. 2.

By Mr. Vincent:

H. B. 428. An Act to amend Sec. 2117, of Kentucky Statutes, relating to Husband and Wife—Divorce and Alimony.

To Committee on Judiciary.

By Mr. Belknap:

H. B. 429. An Act to amend Chapter 25 of Acts of 1918, by requiring that certain mines be rock dusted.

To Committee on Mines and Mining.

By Mr. Potter:

H. B. 430. An Act to establish a new State Primary Road Project to be known as Project No. — beginning at Regina, at mouth of Marrowbone Creek in State Project No. 6¾, Pike County to Shelby Gap in the Mayo Trail (State Project No. 6).

To Committee on Roads and Highways No. 2.

By Mr. Allen:

H. B. 431. An Act to repeal and re-enact Sections 4458, 4459, 4460, 4461, 4462, Kentucky Statutes, Edition 1922, relating to the assessment and collection of taxes by subdivisions for school purposes and providing methods of levying taxes and collecting same.

To Committee on Revenue and Taxation No. 1.

By Mr. Milliken.

H. B. 432. An Act for the protection of owners of electric storage batteries upon which the word "Rental" or any other mark or character is printed, painted, stamped or attached to identify the same, and providing penalties.

To Committee on Kentucky Statutes.

By same:

H. B. 433. An Act to prevent fraud, deceit, or imposition in the sale or disposition of contracts, stocks, bonds; or written evidence of debt, certificates showing present or future interest in any property or business enterprise or venture, or other securities sold or offered for sale within the Commonwealth of Kentucky by any person, persons, partnership, company, association, trust or corporation, foreign or domestic; authorizing the inspection of and such regulation and supervision of the business of any person, persons, firms, partnerships, companies, associations, trust or corporations engaged in the business or any part thereof described in this act as may be necessary to prevent fraud, deceit, or imposition in the sale or offer for sale within this Commonwealth of any contracts, stocks, bonds; written evidences of debt, or of (certificates showing) present or future interest in any property, business enterprise or venture, or other securities mentioned in this act; providing penalties for a violation of this act, and placing the supervision and enforcement of the act in the hands of a Commissioner of Securities to be appointed by the Governor of the Commonwealth of Kentucky, and authorizing him to appoint a secretary and field man, repealing chapter 125 of the acts of 1925, page 582, which contains an act known as the "Blue Sky Law" and other laws in conflict with this act.

To Committee on Banks and Banking.

By Mr. Lee Clark:

H. B. 434. An Act relating to revenue and taxation; imposing an excise or license tax on all distilled spirits known as whiskey, brandy, gin, rum or other species of double stamp spirits sold at retail in this State; requiring every individual, association, partnership, joint stock company and corporation selling such distilled spirits at retail to pay said tax for the

privilege of engaging in said business; providing for monthly reports for the purpose of ascertaining the amount of tax due; providing for monthly payments of the amount of license tax due; fixing of penalty for failure to make such monthly report and settlement; providing for the manner of distribution of the tax so collected; repealing all other license and excise tax on the business covered by this act and declaring an emergency to exist.

To Committee on Revenue and Taxation No. 1.

By Mr. Keller:

H. B. 435. An Act to amend, revise and re-enact Section 8, Chapter 36, Acts of 1920, being an act entitled "An Act creating a county board of education, prescribing its duties, fixing the tenure of office and compensation of its members, etc.," approved March 22, 1920.

To Committee on Education No. 1.

By Mr. Martin:

H. B. 436. An Act to repeal and re-enact Section 11 of Chapter 114 of the Acts of 1922, being now 4114i-11 of the Kentucky Statutes, Carroll's Edition of 1922, relating to revenue and taxation and defining duties of the State Tax Commission.

To Committee on Revenue and Taxation No. 1.

By Mr. E. M. Johnson:

H. Res. 9. Resolution giving to Geo. B. Powers and J. B. Johnson the right to sue the Commonwealth for the sums of $3,000 and $750 respectively.

To Committee on Rules.

Mr. Jones moved that the session of today be extended indefinitely.

Said motion was agreed to.

Mr. Berryman moved that a bill entitled:

H. B. 64. An Act to enable cities of all classes to adopt and operate under the city manager form of government and amending section 3235c-1 and 3235c-2 of Carroll's Kentucky Statutes, relating to Municipalities of all classes.

Be made a Special Order of this House for Wednesday, February 10, at twenty-thirty o'clock P. M.

Said motion was agreed to.

A message was received from the Senate announcing that they had passed bills which originated in that body of the following titles, viz.:

1. S. B. 120. An Act to relieve female jurors from jury service upon request made to the court.

2. S. B. 16. An Act to amend and re-enact Chapter 44 Acts of 1924, entitled "An Act to repeal and re-enact Section 75 of Carroll's Criminal Code of Practice."

3. S. Res. 7. Resolution to permit the Wilmore Construction Co., that it, C. S. Woodard and G. C. Woodard, to sue the Commonwealth of Kentucky.

4. S. B. 111. An Act to amend and re-enact Section 717 of the Kentucky Statutes, John D. Carroll's 1915 Edition, relating to the examination of assessment fire insurance companies.

5. S. B. 60. An Act to repeal an Act approved March 20, 1914, being Chapter 63 of the Acts of 1914, and Section 537b of Carroll's Kentucky Statutes, and in lieu thereof to re-enact same; providing for a clerk and a stenographer for coroners in counties of more than 200,000 and fixing the powers, duties and salaries thereof.

6. S. B. 96. An Act authorizing the Clark Co. Construction Co. to sue the Commonwealth.

7. S. B. 72. An Act to amend and re-enact Section 723 Kentucky Statutes, etc.

8. S. B. 40. An Act to amend, revise and re-enact Section 2251 of Chapter 74, Article 11, Kentucky Statutes, Carroll's Edition, 1915, relating to juries.

9. S. B. 66. An Act to repeal and re-enact Section 4077 of the Kentucky Statutes, Carroll's Edition, 1915, relating to revenue and taxation, and more especially to the assessment and taxation of the franchises of certain corporations.

10. S. B. 1. An Act relating to the creation of water districts in counties of the state, and providing for the establishment, construction, or purchase of a water system, for the purpose of furnishing water to the inhabitants thereof; prescribing the methods of expenditures, the assessment and collection of costs and expenses thereof; providing for the appointment of commissioners and prescribing their duties and providing for the payment of officers and employees, the issuing and selling of district bonds with which to secure funds to defray the costs and expenses of any such improvements, repealing an Act, entitled "An Act providing for the creation of water districts, etc.," approved March 25, 1924.

Said bills were ordered to be printed and referred as follows, viz:

1. To Committee on Circuit Courts.

2. To Committee on Codes of Practice.

3. To Committee on Claims.

4. To Committee on Insurance, Fire and Marine.

5. To Committee on Municipalities.

6. To Committee on Claims.

7. To Committee on Insurance, Life and Accident.

8. To Committee on Circuit Courts.

9. To Committee on Revenue and Taxation No. 2.

10. To Committee on Cities of 2nd and 3rd Classes.

Mr. Bax moved that the Substitute heretofore offered by the Committee on Revenue and Taxation No. 1, for House Bill No. 98, be ordered printed.

Said motion was agreed to.

The Committees to which same had been referred, reported bills of the following titles, viz.:

By Mr. Ryan of the Committee on Kentucky Statutes:

H. B. 292. An Act relating to the recording of deeds and mortgages securing indebtedness and requiring that every such instrument shall disclose the maturity of the principal of such indebtedness, and imposing penalties.

By Mr. Ardery of the Committee on Court of Appeals:

H. B. 30. An Act relating to the retirement of Judges of the Court of Appeals.

With the expression of opinion that said bills ought not to pass.

No further action having been taken on said bills and no motion having been made by the House to advance said bills to a reading, the report of the Committee to the contrary notwithstanding, it was ordered that said bills be not read the first time at length, and so said bills were rejected.

The Committees to which same had been referred, reported bills of the following titles, viz.:

By Mr. Murphy of the Committee on Agriculture:

H. B. 29. An Act to amend and re-enact Section 16 and Subsection a, of said Section 16, of Chapter 69 of the Acts of the General Assembly of 1918, relating to the appointment of a State Veterinarian and Deputy State Veterinarian, prescribing their qualifications, defining their duties and providing for their salaries to be fixed by the State Live Stock Sanitary Board.

By Mr. Doss of the Committee on Claims:

H. B. 257. An Act regulating the certification and approval of claims against the state treasury originating in the circuit courts of the Commonwealth and providing for the payment thereof.

By Mr. Coots of the Committee on Classification of Cities and Towns:

H. B. 198. An Act to amend Section 2740 of Article 1 of Chapter 89 of Carroll's Kentucky Statutes, 1922 Edition, relating to the classification of cities and towns, by striking out the words "Prestonsburg, Floyd County," which appear in said section immediately after the words "Burnsides, Pulaski

County," and inserting the words, "Prestonsburg, Floyd County," just after the words, "Ft. Thomas, Campbell County."

H. B. 311. An Act to amend Chapter 108, Acts General Assembly of the Commonwealth of Kentucky for year of 1922, relating to the classification of cities and towns.

By Mr. Gnau of the Committee on Compensation for Industrial Injuries.

H. B. 280. An Act providing for more adequate Hospital benefits coming under the system of Workmen's Compensation for industrial accidents, whereby the injured by direction of the Board may receive an extension of said period of treatment necessary to cure or properly treat the injury but not to exceed an expense of four hundred dollars.

By Mr. Evans of the Committee on Corporate Institutions.

H. B. 267. An Act relating to revenue and taxation, providing for corporation license tax for certain corporations, providing the manner of making reports and of determining the amount of tax and the manner of paying same, prescribing penalties and repealing existing statutes.

By Mr. Ardery of the Committee on Court of Appeals:

H. B. 240. An Act to repeal Section 1 of Chapter 221 entitled "An Act relating to Courts of Justice" which was approved June 10, 1893, being Section 949 of Kentucky Statutes, and to substitute in lieu thereof the Section herein enacted relating to the jurisdiction of the Court of Appeals.

By Mr. Keller of the Committee on Education No. 1:

H. B. 230. An Act providing for the election of all members of graded school boards in this Commonwealth by the secret ballot system.

By Mr. Curtis of the Committee on Geological Survey:

H. B. 243. An Act authorizing the State Librarian to purchase and distribute to certain public officials of the Commonwealth of Kentucky copies of Doctor Willard Rouse Jillson's "Kentucky Land Grants" and appropriating necessary funds out of the general expense fund of the Commonwealth, not otherwise appropriated, sufficient to pay for same.

By Mr. Swinford of the Committee on Judiciary:

H. B. 277. An Act to fix the venue of actions for or against the Commonwealth of Kentucky, or the state officers or any agency of the Commonwealth of Kentucky, and to repeal all laws in conflict.

By Mr. Ryan of the Committee on Kentucky Statutes:

S. B. 4. An Act repealing Section 3783 of the Kentucky Statutes as amended March 23, 1920, Chapter 80, page 376, and as further amended March 22, 1922, Chapter 44, page 159, of the Acts of 1922, said Act relating to patrols, and re-enacting same.

H. B. 283. An Act making it unlawful to display on motor vehicle emblem of any organization unless owner of vehicle is member thereof, and providing a penalty therefor.

H. B. 180. An Act to repeal, amend and re-enact Section 6 of Chapter 109 of the Acts of the General Assembly of 1924, relating to the compensation of county tax commissioner.

H. B. 282. An Act relating to courts of justice, amending and re-enacting Chapter 35, Article 5, Section 1062, Kentucky Statutes, Carroll's Edition, 1915.

H. B. 276. An Act to amend and re-enact Section 4851 of the Kentucky Statutes, Carroll's Edition, permitting the hiring out of prisoners committed to workhouses.

S. B. 23. An Act to amend Section 1159 of the Kentucky Statutes, Carroll's Edition, 1922, relating to burglary, robbery and having in possession burglarious tools.

With an amendment thereto.

H. B. 122. An Act creating a State Board of Examiners and Registration of Architects, prescribing its powers and duties, providing for examinations and issuing certicates to qualified registered architects or architects and providing for penalties for violation of the provisions of this Act.

H. B. 214. An Act prescribing punishment for the offense of unlawfully assaulting another person on a public highway for the purpose of robbery.

Without an expression of opinion.

By Mr. S. K. Holland of the Committee on Mines and Mining:

H. B. 171. An Act to provide for wash rooms in certain employments, to protect the health of employees, and secure public comfort.

With amendments thereto.

By Mr. Potter of the Committee on Motor Transportation:

H. B. 42. An Act providing for the licensing of drivers of motor vehicles upon the highways of this Commonwealth, providing for the issual and revocation of same, the recording of motor vehicle offenses, fixing the amount of said license, providing penalties for violations.

With an amendment thereto by way of substitute therefor.

By Mr. Berry of the Committee on Municipalities:

H. B. 102. An Act amending the charter of cities of the first class.

By Mr. E. M. Johnson of the Committee on Printing:

S. B. 38. An Act defining size of type to be used in printed portion of a recordable instrument.

By Mr. Milliken of the Committee on Revenue and Taxation No. 1:

H. B. 98. An Act in relation to the control, management and operation of water works in cities of the first class, and repealing Chapter 16 of the Acts of 1916, approved March 6, 1906 and Chapter 5, of the Acts of 1910, approved March 7, 1910, relating thereto, and being section 3024a of the Kentucky Statutes.

With an amendment thereto by way of substitute therefor.

By Mr. Daniel of the Committee on State University:

H. B. 66. An Act to provide for the purchase of a certain tract of land owned by C. B. Patterson for the use of the Agricultural Experiment Station, etc.

By Mr. T. R. Moore of the Committee on Tuberculosis:

H. B. 306. An Act to amend and re-enact Subsections 7 and 8 of Section 1 of Chapter 106 of the Acts of the General Assembly of 1924, being an Act entitled "An Act relating to public health; amending, revising and re-enacting Chapter 111 of the Acts of the General Assembly of 1912; being Section 4711b of the Kentucky Statutes, Carroll's Edition; and also amending, revising and re-enacting Section 4 of Chapter 65 of the Acts of the General Assembly of 1918, being an Act

entitled 'An Act relating to public health, repealing, amending and re-enacting Sections 2054, 2059, 2060 and 2061, of the Kentucky Statutes, Carroll's Edition of 1915, relating to the State Board of Health.' "

By Mr. Dorman of the Committee on Roads and Highways No. 1:

H. B. 228. An Act to repeal Section 4315 Chapter 110, Roads—Public, Carroll's Kentucky Statutes; and to enact in lieu thereof a new Section 4315 providing for penalties for the defacement or removal of signs, barriers, route numbers from the public highways, and further regulating the right and authority of the State Highway Commission to control same, and declaring an emergency.

H. B. 231. An Act to repeal and re-enact Section 1599a-1, Carroll's Kentucky Statutes, and further regulating the conditions under which persons, firms and corporations may place and maintain wires and poles, and other appliances for public utility service on the highways constituting and embraced in the State Primary Road System.

S. B. 37. An Act relating to motor vehicles.

With an Amendment thereto.

H. Res. 7. Resolution providing for the appointment of a joint committee to formulate a bill for the repeal, revision, codification and re-enactment of the laws pertaining to state highways and the operation of motor vehicles.

With the expression of opinion that said bills and resolution ought to pass.

Said bills and resolution were severally read at length the first time and ordered to be placed in the Calendar.

Mr. Dorman moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

TUESDAY, FEBRUARY 9, 1926.

The House was opened with prayer by the Reverend V. P. Merrell of the Presbyterian Church, South, of Frankfort.

The roll was called and the following members answered to their names, viz.:

Lewis Allen	J. O. Evans	H. H. Miller
W. B. Ardery	D. W. Fowler	J. S. Milliken
Wm. J. Arvin	Otto C. Gartin	T. R. Moore
W. O. Bach	R. E. Glenn	B. T. Morris
A. J. Baldridge	F. A. Gnau	L. P. Murphy
J. H. Baughman	Whitsett Hall	Chas. N. McCarty
L. D. Bax	Lawrence Harmon	J. L. McDavid
T. H. Benton	C. W. Hawkins	W. J. McGill
Shaler Berry	J. M. Hayse	F. T. Nichols
W. P. Bowman	Goebel B. Henson	Caleb Page
D. F. Brown	H. M. Holbrook	Smith Park
Geo. A. Brown	H. B. Holland	J. J. Patterson
F. W. Bryant	S. K. Holland	Geo. W. Potter
J. R. Buckman	Ira L. Horne	W. H. Pryor
W. G. Buckner	J. C. Hutcherson	H. A. Pulliam
S. J. Bunger	E. M. Johnson	Clint Raymer
W. A. Carson	Grover C. Johnson	R. R. Rogers
C. B. Carver	W. W. Johnson	Philip J. Ryan
Lee Clark	D. C. Jones	C. W. Ryans
Lonnie Cooper	Mrs. H. G. Jorris	Chas. L. Seale
Fred H. Coots	W. O. Keller	M. G. Slusher
J. D. Cox	J. R. Kelly	W. R. Smith
J. S. Cruse	Thos. H. King	E. J. Snyder
W. J. Curtis	Oscar Leibson	Frank L. Strange
J. L. Cushing	W. W. Leslie	J. G. Swearengin
C. L. Daly	Leon P. Lewis	Mac Swinford
Mormon B. Daniel	J. L. Manning	J. L. Valandingham
J. R. Dorman	Joe Martin	Chiles Van Antwerp
E. J. Doss	Shelby Martin	C. D. Vincent
James M. Durham	A. M. Mercer	W. S. Wallen
D. E. Edwards	H. J. Meyers	T. B. Watts

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. G. C. Johnson offered the following resolution, viz.:

In as much as our friendly state, Mississippi, has passed in the House of Representatives, a bill seventy-two to twenty-six (72 to 26) prohibiting the teaching of any theory that teaches that man has ascended or decended from a lower order of animals,

Therefore, be it resolved, by the House of Representatives of the Commonwealth of Kentucky that we the one hundred (100) Representatives of said Commonwealth representing a God-loving and Christian State, do hereby go on record as approving the Acts of the Mississippi House of Repesentatives in trying to rid their State of a teaching of a theory that is unproven and a theory that is dangerous to the welfare of the youth of their State and all other States.

Be it further resolved, That a copy of these resolutions be sent to the Chief Clerk of the House of Representatives of Mississippi, and a copy given to the press for publication.

Mr. Ardery moved that said resolution lie on the table.

Said motion was agreed to.

Mr. Gnau moved that a bill entitled:

H. B. 316. An Act to amend Sections 4, 12, 16 and 18 of Chapter 33 of the Acts of the General Assembly of Kentucky of 1916 entitled: "An Act to provide an elective system of Workmen's Compensation for industrial accidents," and the same act as amended by chapter 176 of the Acts of the General Assembly of Kentucky for the year 1920, and the same act as amended by chapter 50 of the Acts of the General Assembly of Kentucky for the year 1922, and the same act as amended by Chapter 70 of the Acts of the General Assembly for the year 1924, said sections to be amended are 4883, 4893, 4897 and 4899, Carroll's Statutes of Kentucky.

Be reprinted because of typographical errors.

Said motion was agreed to.

Mr. Van Antwerp moved that the privileges of the floor be extended to the Hon. T. J. Knight.

Said motion was agreed to.

Mr. Milliken moved that David T. Potter, Jr., be appointed Honorary Page of this House.

Said motion was agreed to.

Upon a call of the Counties and Legislative Districts, the following bills were introduced, ordered printed and referred as follows, viz.:

By Mr. Horne:

H. B. 437. An Act relating to roads and highways and describing and fixing a project to be added to the Primary System of Roads and Highways.

To Committee on Roads and Highways No. 2.

By Mr. Ardery:

H. B. 438. An Act to authorize County Officers to turn over to the Kentucky State Historical Society for preservation old books and documents no longer of use or value to the Counties.

To Committee on Geological Survey.

By Mr. Wallen:

H. B. 439. An Act to provide for the renewal of franchises of public utility companies of the cities of this Commonwealth other than cities of the first class.

To Committee on Kentucky Statutes.

By Mr. Coots:

H. B. 440. An Act increasing the race track licenses by requiring the payment to the State of fifty per cent (50%) of gross take-out from gambling operations, and providing for a state audit of racing courses, and allowing the take-out to be 10% of the gross amount of wagers.

To Committee on Kentucky Statutes.

By Mr. Leslie:

H. B. 441. An Act to provide for a more adequate enforcement of all the laws of the Commonwealth especially providing for the enforcement of the laws relating to motor vehicles and of the laws in the violation of which motor vehicles are largely employed, and creating for these purposes a Department of Public Safety, etc.

To Committee on Roads and Highways No. 1.

By Mr. Dorman:

H. B. 442. An Act to repeal and re-enact Section 4048 of Kentucky Statutes, Carroll's Edition of 1915, relating to revenue and taxation, defining duties of the Auditor of Public Accounts as to certification of franchise and tangible assessments of corporations liable to local taxation.

To Committee on Kentucky Statutes.

By same:

H. B. 443. An Act relating to the Primary System of Roads and Highways.

To Committee on Roads and Highways No. 2.

By Mr. McGill:

H. B. 444. An Act to abolish the office of Commonwealth's Attorney, and providing county attorney shall perform services and his compensation therefor.

To Committee on County and City Courts.

By Mr. Potter:

H. B. 445. An Act to amend and re-enact Sec. 1 of Chap. 52 of the Acts of 1924, of the General Assembly of the Commonwealth of Kentucky, relating to county boards of education of common schools, providing for their qualifications and manner of election.

To Committee on Education No. 1.

By Mr. Strange:

H. B. 446. An Act to establish a new State Primary Road Project to be known as Project — beginning at Bowling Green, Warren County, and extending southeastwardly by way of Meadow, in Allen County, to a point in the Bowling Green and Glasgow road, approximately 21 miles.

To Committee on Roads and Highways No. 2.

By same:

H. B. 447. An Act to amend sections 1 and 4 of Chapter 43 of the Acts of the General Assembly of 1914, relating to the

office of stenographer for the county judge in certain counties, being sections 1061a-1 and 1061a-4, Carroll's Kentucky Statutes, 1922 Edition.

To Committee on Cities of the 2nd and 3rd classes.

By Mr. Allen:

H. B. 448. An Act to amend section 2 of Chapter 100 of the Acts of the General Assembly of 1924, entitled "An Act relating to office and officers."

To Committee on Roads and Highways No. 1.

By Mr. S. K. Holland:

H. B. 449. An Act to fix and regulate the times of holding the terms of the circuit courts in the fifth judicial district.

To Committee on Circuit Courts.

By Mr. Berry:

H. B. 450. An Act to amend Article 1, Chapter 85, Carroll's Edition 1922, relating to the qualifications for the practice of medicine by addition of the following sections and providing appropriation therefor.

To Committee on Public Health.

By Mr. Bunger:

H. B. 451. An Act for the furtherance of forest fire protection, defining the duties and giving certain authorities to forest wardens; providing a penalty for failure to obey summons; and providing reasonable compensation for services and use of equipment.

To Committee on Forestry.

At the hour of eleven o'clock, the House took up for consideration the Special Order of the Day, to-wit:

H. B. 117. An Act relating to revenue and taxation, fixing annual tax rate on unmanufactured agricultural products;

With an amendment thereto by way of substitute therefor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an annual ad valorem tax of fifty cents on each one hundred dollars of the fair cash value of all unmanufactured agricultural products, subject to taxation, other than unmanufactured agricultural products actually on hand at the plants of manufacturing concerns, for the purpose of manufacture and other than unmanufactured agricultural products in the hands of the producer or in the hands of any agent or agency of the producer to which said products have been conveyed or assigned for the purpose of sale by the producer, shall be paid by the owner, person or corporation assessed, which tax shall be for state purposes only, and in lieu of all other ad valorem taxes by the State, or any county, city, town or other taxing district, on such unmanufactured agricultural products wherever grown except that cities and counties of the state may each impose an ad valorem tax of not exceeding fifteen cents on each one hundred dollars of the fair cash value of all such unmanufactured agricultural products subject to taxation within their limits.

§ 2. All state taxes collected hereunder shall be paid into the State treasury to the credit of the general expenditure fund.

§ 3. The assessment, the date thereof, the equalization and the collection of the tax herein imposed shall be governed by the laws applicable to other tangible personal property.

§ 4. In event a referendum is desired upon this act, then such referendum shall be conducted in all things in the manner provided in Chapter eight of the Acts of the special one thousand nine hundred and seventeen session of the General Assembly.

§ 5. If any provision of this act is held invalid, it shall not affect in any way the other provisions of the Act, but they shall remain in full force and effect. All laws and parts of laws in conflict herewith are hereby repealed.

Said Substitute is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an annual ad valorem tax of fifty cents on each one hundred dollars of the fair cash value of all unmanufactured agricultural products, subject to taxation, shall be paid by the owner, person or corporation assessed, which tax shall be for state purposes only, and in lieu of all other ad valorem taxes by the state, or any county, city, town or other taxing district, on such unmanufactured agricultural products wherever grown, except that cities and counties of the state may each impose an ad valorem tax of not exceeding fifteen cents on each one hundred dollars of the fair cash value of all such unmanufactured agricultural products subject to taxation within their limits; provided that unmanufactured agricultural products actually on hand at the plants of manufacturing concerns for the purpose of manufacture, and unmanufactured agricultural products in the hands of the producer or in the hands of any agent or agency of the producer to which said products have been conveyed or assigned for the purpose of sale by the producer shall be subject to state taxation only.

§ 2. All state taxes collected hereunder shall be paid into the State Treasury to the credit of the general expenditure fund.

§ 3. The assessment, the date thereof, the equalization and the collection of the tax herein imposed shall be governed by the laws applicable to other tangible personal property.

§ 4. In event a referendum is desired upon this act, then such referendum shall be conducted in all things in the manner provided in chapter eight of the Acts of the Special one thousand nine hundred and seventeen session of the General Assembly.

§ 5. If any provision of this act is held invalid, it shall not affect in any way the other provisions of the act, but they shall remain in full force and effect. All laws and parts of laws in conflict herewith are hereby repealed.

Said substitute was then adopted.

Ordered that said bill be engrossed and read the third time.

The Constitutional provisions as to the third reading of said bill at length being dispensed with and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	F. W. Bryant	J. L. Cushing
W. B. Ardery	J. R. Buckman	C. L. Daly
W. O. Bach	W. G. Buckner	Mormon B. Daniel
A. J. Baldridge	S. J. Bunger	J. R. Dorman
J. H. Baughman	W. A. Carson	E. J. Doss
L. D. Bax	C. B. Carver	James M. Durham
W. B. Belknap	Lee Clark	D. E. Edwards
T. H. Benton	Lonnie Cooper	J. O. Evans
Shaler Berry	Fred H. Coots	D. W. Fowler
W. P. Bowman	J. D. Cox	Otto C. Gartin
D. F. Brown	J. S. Cruse	R. E. Glenn
Geo. A. Brown	W. J. Curtis	F. A. Gnau

Whitsett Hall	W. W. Leslie	Geo. W. Potter
Lawrence Harmon	J. L. Manning	W. H. Pryor
C. W. Hawkins	Joe Martin	H. A. Pulliam
J. M. Hayse	A. M. Mercer	Clint Raymer
Goebel B. Henson	H. J. Meyers	R. R. Rogers
H. M. Holbrook	H. H. Miller	Philip J. Ryan
H. B. Holland	J. S. Milliken	C. W. Ryans
S. K. Holland	T. R. Moore	M. G. Slusher
J. C. Hutcherson	B. T. Morris	W. R. Smith
E. M. Johnson	L. P. Murphy	E. J. Snyder
Grover C. Johnson	Chas. N. McCarty	Frank L. Strange
W. W. Johnson	J. L. McDavid	J. G. Swearengin
D. C. Jones	W. J. McGill	Mac Swinford
Mrs. H. G. Jorris	F. T. Nichols	J. L. Valandingham
W. O. Keller	Caleb Page	Chiles Van Antwerp
J. R. Kelly	Smith Park	C. D. Vincent
Thos. H. King	J. J. Patterson	W. S. Wallen
Oscar Leibson	Jas. J. Peters	T. B. Watts

Resolved that the title thereof be as aforesaid.

Mr. Keller moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. H. B. Holland of the Committee on Enrollment, reported that they had examined and found to be correctly enrolled a bill of the following title, viz.:

H. B. 33. An Act entitled "An Act changing the name of Poorfork, Harlan County, Kentucky, to that of Cumberland, Harlan County, Kentucky."

Thereupon all other business was suspended and said bill was read at length and compared in open session and found to be correctly enrolled.

Thereupon the Speaker in open session and in the presence of the House affixed his signature thereto.

Ordered that the Enrolling Clerk of this House deliver said bills to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled copies of said bills, duly signed by the President of the Senate, into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bill to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

Mr. Belknap moved that the session of today be extended indefinitely.

Said motion was agreed to.

Mr. Belknap moved that at the hour of twelve-thirty o'clock, this House recess for one hour.

Said motion was agreed to.

The Committees to which the same had been referred, reported bills of the following titles, viz.:

By Mr. Fowler of the Committee on Military Affairs:

H. B. 234. An Act relating to reward of enlisted soldiers, sailors, marines and army nurses, in the service of the United States, and certain dependents of deceased persons, enlisted, inducted, warranted or commissioned during the World War from or between April 6, 1917, and November 11, 1918, or any part thereof, from the State of Kentucky; prescribing qualifications of those who shall receive such reward, fixing the amount of such reward and creating a commission to be known as "The Soldiers' Compensation Board of Kentucky," and

fixing the powers and duties of such commission; and making an appropriation therefor; providing for submission to the voters of Kentucky, at the next general election to be held November, 1926, the question of whether or not bonds pledging the full faith and credit of the Commonwealth of Kentucky in the sum of ten million dollars, shall be issued and sold to create a fund out of which to pay such reward.

H. B. 323. An Act to provide for the constitution and appointment of a Board to be known as the Air Board of Kentucky, to have general supervision of aviation and the establishment and maintenance of the air ports, routes and aviation fields in the State of Kentucky, and making an appropriation therefor and further to enable cities, counties and towns to establish and maintain either alone, in conjunction with the State Board or in conjunction with other cities, towns and counties, air ports and aviation fields and to authorize such cities, towns and counties to lay and collect a tax for the purchase and maintenance of same.

H. B. 393. An Act to assist disabled United States Spanish War veterans and their dependents in obtaining from the Federal Government the relief authorized by Acts of Congress, and creating for that purpose a voluntary commission and providing for its office expense and the salary of the secretary.

H. B. 360. An Act to amend and re-enact Section 2711a-54 of the Kentucky Statutes in relation to certain members of the staff of the Adjutant General.

By Mr. Cooper of the Committee on Public Ditches:

H. B. 348. An Act to amend and re-enact Section 2380-48 of Kentucky Statutes, Carroll's Edition, 1922, relating to drainage of lands.

By Mr. Baughman of the Committee on Constitutional Amendments.

H. B. 260. An Act to provide for the submission to the voters of this state of a Constitutional Amendment permitting in the future the submission of a greater number than two amendments to be voted on at one time.

H. B. 216. An Act to call a convention for the purpose of amending and revising the constitution and to provide for the redrafting thereof.

H. B. 130. An Act to amend and re-enact Section 147 of the Constitution of the Commonwealth of Kentucky.

With the expression of opinion that said bills ought to pass.

Said bills were severally read at length the first time and ordered to be placed on the Calendar.

Mr. Pulliam of the Committee on Education No. 2, to which was referred a bill entitled:

H. B. 158. An Act to amend and re-enact Section 4536c-4, Kentucky Statutes, Carroll's Edition, 1922, relating to compulsory education and fixing maximum penalty for violating same,

Asked unanimous consent of the House to report the printed bill instead of the original bill, the original bill having been either lost or misplaced.

Said request was granted.

Thereupon Mr. Pulliam reported said bill with the expression of opinion that said bill ought to pass, with an amendment thereto, as offered by the Committee.

Said bill was read at length the first time and ordered to be placed on the Calendar.

Mr. Fowler of the Committee on Military Affairs to which same had been referred, reported a bill of the following title, viz:

H. B. 304. An Act to assist veterans, their widows and orphans of all wars in obtaining aid from the Federal and State Governments, creating for that purpose the Veterans of Foreign Wars Relief Board, and appropriating funds therefor; providing maintenance of an office and Secretary to carry on the work of said Board and declaring an emergency to exist.

With the expression of opinion that said bill ought not to pass.

No further action having been taken by the House in regard to said bill and no motion having been made to advance said bill to a reading, the report of the Committee to the contrary notwithstanding, it was ordered that said bill be not read the first time at length, and so said bill was rejected.

Mr. Potter moved that a bill entitled:

H. B. 111. An Act relating to compulsory education in the comon schools of this Commonwealth and fixing penalties for its violation, and amending section 4526c-4, article 16, Chapter 13, Kentucky Statutes, Carroll's Edition, 1922,

Which had been formerly referred to the Committee on Educaion No. 1,

Be not referred to the Committee on Education No. 1.

Said motion was agreed to.

The House took up for consideration from the Calendar, bills of the following titles, viz.:

H. B. 104. An Act relating to the establishment of graded Common Schools.

H. B. 29. An Act to amend and re-enact Section 16 and Subsection a, of said Section 16, of Chapter 69 of the Acts of the General Assembly of 1918, relating to the appointment of a State Veterinarian and Deputy State Veterinarian, prescribing their qualifications, defining their duties and providing for their salaries to be fixed by the State Live Stock Sanitary Board.

H. B. 257. An Act regulating the certification and approval of claims against the State treasury originating in the circuit courts of the Commonwealth and providing for the payment thereof.

H. B. 198. An Act to amend Section 2740 of Article 1 of Chapter 89 of Carroll's Kentucky Statutes, 1922 Edition, relating to the classification of cities and towns, by striking out the words "Prestonsburg, Floyd County," which appears in said section immediately after the words "Burnsides, Pulaski County," and inserting the words, "Prestonsburg, Floyd County," just after the words, "Ft. Thomas, Campbell County."

H. B. 311. An Act to amend Chapter 108, Acts General Assembly of the Commonwealth of Kentucky for year of 1922, relating to the classification of cities and towns.

H. B. 280. An Act providing for more adequate hospital benefits coming under the system of Workmen's Compensation for industrial accidents, whereby the injured by direction of the board may receive an extension of said period of treatment necessary to cure or properly treat the injured but not to exceed an expense of four hundred dollars.

H. B. 267. An Act relating to revenue and taxation, providing for corporation license tax for certain corporations, providing the manner of making reports and of determining the amount of tax and the manner of paying same, prescribing penalties and repealing existing statutes.

H. B. 240. An Act to repeal Section 1 of Chapter 221 entitled "An Act relating to Courts of Justice" which was approved June 10, 1893, being Section 949 of Kentucky Statutes, and to substitute in lieu thereof the section herein enacted relating to the jurisdiction of the Court of Appeals.

H. B. 230. An Act providing for the election of all members of graded school boards in this Commonwealth by the secret ballot system.

H. B. 243. An Act authorizing the State Librarian to purchase and distribute to certain public officials of the Commonwealth of Kentucky copies of Doctor Willard Rouse Jillson's "Kentucky Land Grants," and appropriating necessary funds out of the general expense fund of the Commonwealth, not otherwise appropriated, sufficient to pay for same.

H. B. 277. An Act to fix the venue of actions for or against the Commonwealth of Kentucky, or the state officers or any agency of the Commonwealth of Kentucky, and to repeal all laws in conflict.

H. B. 4. An Act repealing Section 3783 of the Kentucky Statutes as amended March 23, 1920, Chapter 80, page 376, and as further amended March 22, 1922, Chapter 44, page 159, of the Acts of 1922, said act relating to patrols, and re-enacting same.

H. B. 283. An Act making it unlawful to display on motor vehicle emblem of any organization unless owner of vehicle is member thereof, and providing a penalty therefor.

H. B. 180. An Act to repeal, amend and re-enact Section 6 of Chapter 109 of the Acts of the General Assembly of 1924, relating to the compensation of County Tax Commissioner.

H. B. 282. An Act relating to courts of justice, amending and re-enacting Chapter 35, Article 5, Section 1062, Kentucky Statutes, Carroll's Edition, 1915.

H. B. 276. An Act to amend and re-enact Section 4851 of the Kentucky Statutes, Carroll's Edition, permitting the hiring out of prisoners committed to workhouses.

S. B. 23. An Act to amend Section 1159 of the Kentucky Statutes, Carroll's Edition, 1922, relating to burglary, robbery and having in possession burglarious tools.

With an amendment thereto.

H. B. 122. An Act creating a State Board of Examiners and Registration of Architects prescribing its powers and duties, providing for examinations and issuing certificates to qualified registered architects or architects and providing for penalties for violation of the provisions of this act.

H. B. 214. An Act prescribing punishment for the offense of unlawfully assaulting another person on a public highway for the purpose of robbery.

H. B. 171. An Act to provide for wash rooms in certain employments, to protect the health of employees, and secure public comfort.

With amendments thereto.

H. B. 42. An Act providing for the licensing of drivers of motor vehicles upon the highways of this Commonwealth, providing for the issual and revocation of same, the recording of motor vehicle offenses, fixing the amount of said license, and providing penalties for violations.

With an amendment thereto by way of substitute therefor.

H. B. 102. An Act amending the charter of cities of the first class.

S. B. 38. An Act defining size of type to be used in printed portion of a recordable instrument.

H. B. 98. An Act in relation to the control, management and operation of water works in cities of the first class, and repealing Chapter 16 of the Acts of 1916, approved March 6, 1906, and Chapter 5, of the Acts of 1910, approved March 7, 1910, relating thereto, and being Section 3024a of the Kentucky Statutes.

With an amendment thereto by way of substitute therefor.

H. B. 66. An Act to provide for the purchase of a certain tract of land owned by C. B. Patterson for the use of the Agricultural Experiment Station, etc.

H. B. 306. An Act to amend and re-enact subsections 7 and 8 of Section 1 of Chapter 106 of the Acts of the General Assembly of 1924, being an Act entitled "An act relating to public health; amending revising and re-enacting Chapter 111 of the Acts of the General Assembly of 1912; being Section 4711b of the Kentucky Statutes, Carroll's Edition; and also amending, revising and re-enacting Section 4 of Chapter 65 of the Acts of the General Assembly of 1918, being an Act entitled 'An Act relating to public health, repealing, amending, re-enacting Sections 2054, 2059, 2060 and 2061, of the Kentucky Statutes, Carroll's Edition of 1915, relating to the State Board of Health.' "

H. B. 228. An Act to repeal Section 4315, Chapter 110, Roads, Public, Carroll's Kentucky Statutes, and to enact in lieu thereof a new Section 4315 providing for penalties for

the defacement or removal of signs, barriers, route numbers from the public highways, and further regulating the right and authority of the State Highway Commission to control same, and declaring an emergency.

H. B. 231. An Act to repeal and re-enact Section 1599a-1, Carroll's Kentucky Statutes, and further regulating the conditions under which persons, firms and corporations may place and maintain wires and poles, and other appliances for public utility service on the highways constituting and embraced in the State Primary Road System.

S. B. 37. An Act relating to motor vehicles.

With an amendment thereto.

H. Res. 7. Resolution providing for the appointment of a joint committee to formulate a bill for the repeal, revision, codification and re-enactment of the laws pertaining to State highways and the operation of motor vehicles.

Ordered that said bills be read the second time.

The constitutional provision as to the second reading of said bills at length being dispensed with they were read the second time by their titles only.

Ordered that said bills be placed in the Orders of the Day.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 54. An Act to make the 19th of January a legal holiday.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the 19th day of January of the year 1927 and the 19th day of January of each year thereafter is hereby declared a legal holiday, to be known as "Robert E. Lee Day," and the same shall be recognized, classed and treated as other legal holidays under the laws of this state.

Ordered that said bill be read the third time.

The constitutional provisions as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz..

Those who voted in the affirmative were—

W. B. Ardery	D. W. Fowler	H. J. Meyers
A. J. Baldridge	F. A. Gnau	H. H. Miller
L. D. Bax	Whitsett Hall	J. S. Milliken
Shaler Berry	Lawrence Harmon	B. T. Morris
Geo. A. Brown	C. W. Hawkins	J. L. McDavid
F. W. Bryant	H. M. Holbrook	W. J. McGill
W. G. Buckner	H. B. Holland	Caleb Page
W. A. Carson	S. K. Holland	Jas. J. Peters
C. B. Carver	E. M. Johnson	Philip J. Ryan
J. D. Cox	W. W. Johnson	M. G. Slusher
J. S. Cruse	D. C. Jones	W. R. Smith
W. J. Curtis	Mrs. H. G. Jorris	Frank L. Strange
J. L. Cushing	Thos. H. King	J. G. Swearengin
Mormon B. Daniel	W. W. Leslie	Mac Swinford
J. R. Dorman	J. L. Manning	J. L. Valandingham
E. J. Doss	Joe Martin	Chiles Van Antwerp
D. E. Edwards	Shelby Martin	C. D. Vincent
J. O. Evans	A. M. Mercer	W. S. Wallen

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Those who voted in the negative were—

Lewis Allen	C. L. Daly	Chas. N. McCarty
Wm. J. Arvin	James M. Durham	F. T. Nichols
W. O. Bach	R. E. Glenn	Smith Park
W. B. Belknap	Goebel B. Henson	J. J. Patterson
T. H. Benton	Ira L. Horne	Geo. W. Potter
D. F. Brown	J. C. Hutcherson	W. H. Pryor
S. J. Bunger	Grover C. Johnson	Clint Raymer
Lee Clark	Leon P. Lewis	R. R. Rogers
Lonnie Cooper	T. R. Moore	Chas. L. Seale
Fred H. Coots	L. P. Murphy	E. J. Snyder

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Resolved that the title thereof be as aforesaid.

Mr. Meyers moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The hour of twelve-thirty o'clock, having arrived, the House recessed for one hour.

The hour of one-thirty o'clock p. m. having arrived, the Speaker resumed the chair and called the House to order.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 75. An Act to amend and re-enact Section 1550-18 of Article XII of Kentucky Statutes, Carroll's Edition 1922, relating to primary elections.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 1550-18, of Article XII of Kentucky Statutes, Carroll's edition, 1922, be and the same is hereby amended by adding, after the words "last preceding presidential election," in said section, the following words: "and the county court clerk shall, if requested by the chairman of the county executive committee, or authority of each political party, furnish additional ballots, not exceeding in all 300 such ballots," so that said section, when thus amended and reenacted, shall read as follows:

Section 1550-18. Number of Ballots.—There shall be provided and furnished at each primary nominating election, and at each election precinct, seventy-five per cent more official ballots for each political party than the number of votes cast by such political party, at the last preceding presidential election, and the county court clerk shall, if requested by the chairman of the county executive committee, or authority of each political party, furnish additional ballots, not exceeding in all 300 such ballots, and if a precinct was created since the last presidential election, the county court clerk shall furnish such number of ballots in such precinct as may be requested by the chairman of the county executive committee or authority of each political party, not exceeding however three hundred ballots for each party for each such precinct.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with it was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	A. J. Baldridge	Shaler Berry
W. B. Ardery	J. H. Baughman	C. H. Berryman
Wm. J. Arvin	L. D. Bax	Geo. A. Brown
W. O. Bach	T. H. Benton	F. W. Bryant

J. R. Buckman
W. G. Buckner
S. J. Bunger
W. A. Carson
C. B. Carver
Lee Clark
Lonnie Cooper
Fred H. Coots
J. D. Cox
J. S. Cruse
W. J. Curtis
J. L. Cushing
C. L. Daly
Mormon B. Daniel
E. J. Doss
James M. Durham
D. E. Edwards
J. O. Evans
D. W. Fowler
R. E. Glenn
F. A. Gnau
Whitsett Hall
J. M. Hayse
Goebel B. Henson
H. B. Holland
S. K. Holland
Ira L. Horne
J. C. Hutcherson
E. M. Johnson
Grover C. Johnson
W. W. Johnson
D. C. Jones
Mrs. H. G. Jorris
W. O. Keller
J. R. Kelly
Thos. H. King
W. W. Leslie
Leon P. Lewis
J. L. Manning
Joe Martin
Shelby Martin
J. S. Milliken
T. R. Moore
B. T. Morris
L. P. Murphy
Chas. N. McCarty
J. L. McDavid
W. J. McGill
F. T. Nichols
Smith Park
J. J. Patterson
Jas. J. Peters
Geo. W. Potter
W. H. Pryor
H. A. Pulliam
Clint Raymer
R. R. Rogers
Philip J. Ryan
C. W. Ryans
Chas. L. Seale
W. R. Smith
E. J. Snyder
Frank L. Strange
J. G. Swearengin
Mac Swinford
J. L. Valandingham
Chiles Van Antwerp
C. D. Vincent
W. S. Wallen
T. B. Watts

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Resolved that the title thereof be as aforesaid.

Mr. Glenn moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 22. An Act to regulate the sale of fruit trees, vines, shrubs or plants by nonresidents, requiring the execution of bond and providing a penatly for its violation.

Mr. Cooper moved that said bill be recommitted with leave to report at any time.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 13. An Act to safeguard the distribution and sale of certain dangerous caustic or corrosive acids, alkalis or other substances in the Commonwealth of Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That in this Act, unless the context or subject-matter otherwise requires,

A. The term "dangerous caustic or corrosive substance" means each and all of the acids, alkalis, and other substances named below: (a) Hydrochloric acid and any preparation containing free or chemically unneutralized hydrochloric acid in a concentration of ten per centum or more; (b) Sulphuric acid and any preparation containing free or chemically unneultralized sulphuric acid in a concentration of ten per centum or more; (c) Nitric acid or any preparation containing free or chemically unneutralized nitric acid in a concentration of five per centum or more; (d) Carbolic acid, otherwise known as phenol, and any preparation containing carbolic acid in a concentration of five per centum or more; (e) Oxalic acid and any preparation containing free or chemically unneutralized oxalic acid, in a concentration of ten per centum or more; (f) Any salt of oxalic acid and any preparation containing any such salt in a concentration of ten per centum or more; (g) Acetic acid or any preparation containing free or chemically unneutralized acetic acid in a concen-

tration of twenty per centum or more; (h) Hypochlorus acid, either free or combined, and any preparation containing the same in a concentration so as to yield ten per centum or more by weight of available chlorine, excluding calx chlorinata, bleaching powder, and chloride of lime; (i) Potassium hydroxide and any preparation containing free or chemically unneutralized potassium hydroxide, including caustic potash and Vienna paste, in a concentration of ten per centum or more; (j) Sodium hydroxide and any preparation containing free or chemically unneutralized sodium hydroxide, including caustic soda and lye, in a concentration of ten per centum or more; (k) Silver nitrate, sometimes known as lunar caustic, and any preparation containing silver nitrate in a concentration of five per centum or more, and (1) Ammonia water and any preparation yielding free or chemically uncombined ammonia, including ammonium hydroxide and "hartshorn," in a concentration of five per centum or more.

B. The term "misbranded parcel, package, or container" means a retail parcel, package, or container of any dangerous caustic or corrosive substance for household use, not bearing a conspicuous, easily legible label or sticker, containing (a) the name of the article; (b) the name and place of business of the manufacturer, packer, seller, or distributor; (c) the word "POISON," running parallel with the main body of reading matter on said label or sticker, on a clear, plain background of a distinctly contrasting color, in uncondensed gothic capital letters, the letters to be not less than 24 point size, unless there is on said label or sticker no other type so large, in which event the type shall be not smaller than the largest type on the label or sticker and (d) directions for treatment in case of accidental personal injury by the dangerous caustic or corrosive substance.

§ 2. Any person who shall sell, barter, or exchange, or receive, hold, pack, display, or offer for sale, barter or exchange in the Commonwealth of Kentucky, any dangerous caustic or corrosive substance in a misbranded parcel, pack-

age or container, said parcel, package or container being designed for household use, shall be guilty of a misdemeanor and upon conviction thereof be punished by fine of not less than twenty dollars nor more than one hundred dollars, or by imprisonment for not less than ten days, nor more than sixty days, or by both such fine and imprisonment, in the discretion of the court.

§ 3. Upon conviction of the person or persons for violation of Section 2 of this act, the caustic or corrosive substance so seized shall be adjudged contraband by the court trying the offender and disposed of as the court shall order.

§ 4. The State Board of Health shall aid in the enforcement of the provisions of this act, and it is hereby authorized and empowered to approve and register such brands and labels intended for use under the provisions of this act as may be submitted to it for that purpose and as may in its judgment conform to the requirements of this statute; provided, however, that in any prosecution under this act the fact that any brand or label involved in said prosecution has not been submitted to said State Board of Health for approval, or if submitted, has not been approved by it, shall be immaterial.

§ 5. Every Commonwealth's attorney or county attorney or other prosecuting officer to whom there is presented, or who in any way procures, satisfactory evidence of any violation of the provisions of this act shall cause appropriate proceedings to be commenced and prosecuted in the proper courts, without delay, for the enforcement of the penalties as in such cases herein provided.

§ 6. This act may be cited as the "Kentucky Caustic Alkali or Acid Act of 1926."

§ 7. All acts or parts of acts in conflict with this act are hereby repealed.

§ 8. This act shall be in effect from and after its passage.

Mr. Leslie offered the following amendment to said bill, viz.:

Amend H. B. 13 by striking out Section 7 on page 4 and inserting in lieu thereof the following:

"Nothing in this act shall apply to the sale of any of the substances mentioned herein when sold in a drug store conducted by or in charge of a pharmacist, registered under the laws of this Commonwealth."

Said amendment was adopted.

Ordered that said bill be engrosed and read the third time.

The constitutional provisions as to the third reading of said bill at length being dispensed with and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	Fred H. Coots	Goebel B. Henson
Wm. J. Arvin	J. D. Cox	H. B. Holland
A. J. Baldridge	J. S. Cruse	S. K. Holland
L. D. Bax	W. J. Curtis	Ira L. Horne
T. H. Benton	J. L. Cushing	J. C. Hutcherson
Shaler Berry	C. L. Daly	E. M. Johnson
C. H. Berryman	Mormon B. Daniel	Grover C. Johnson
W. P. Bowman	J. R. Dorman	W. W. Johnson
D. F. Brown	E. J. Doss	D. C. Jones
Geo. A. Brown	D. E. Edwards	Mrs. H. G. Jorris
F. W. Bryant	J. O. Evans	W. O. Keller
J. R. Buckman	D. W. Fowler	Thos. H. King
W. G. Buckner	Otto C. Gartin	W. W. Leslie
S. J. Bunger	R. E. Glenn	Leon P. Lewis
W. A. Carson	Whitsett Hall	J. L. Manning
Lee Clark	C. W. Hawkins	Joe Martin
Lonnie Cooper	J. M. Hayse	Shelby Martin

H. J. Meyers	J. J. Patterson	W. R. Smith
J. S. Milliken	Jas. J. Peters	E. J. Snyder
T. R. Moore	Geo. W. Potter	J. G. Swearengin
B. T. Morris	W. H. Pryor	Mac Swinford
L. P. Murphy	H. A. Pulliam	J. L. Valandingham
Chas. N. McCarty	R. R. Rogers	Chiles Van Antwerp
J. L. McDavid	Philip J. Ryan	C. D. Vincent
W. J. McGill	C. W. Ryans	W. S. Wallen
F. T. Nichols	Chas. L. Seale	
Caleb Page	M. G. Slusher	

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Resolved that the title thereof be as aforesaid.

Mr. Berry moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 65. An Act amending Section 2380b-40 of Carroll's Kentucky Statutes and otherwise relating to the drainage and reclamation of lands and the collection of taxes for drainage districts and public ditches.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 2380b-40 of Carroll's Kentucky Statutes be and is hereby amended by striking out the following:

"The fees of the treasurer shall be one per centum (1%) for receiving and disbursing funds under the control of said board of drainage commissioners. He shall make no disbursement of any drainage funds whatever except upon warrant

issued by the board of drainage commissioners." And substituting in lieu thereof the following:

"The fees of the treasurer shall be not more than one per centum (1%) for receiving and disbursing funds under the control of said board of drainage commissioners. If any bank or officer or employee of any bank or other qualified person will execute proper bond and serve as treasurer without remuneration or will pay to the district a fee for being allowed to serve as treasurer with the privilege of selecting the depositary of the funds, and the board of drainage commissioners consider it safe and profitable to the district, such bank or person may be appointed treasurer. It shall be the duty of said board to receive bids or terms from all the banks in the city wherein the office of said board is located which desire to act as treasurer and select the bank or person which, in the board's opinion, will best serve the interest of the district. The treasurer shall make no disbursement of any drainage funds whatever except upon warrant issued by the board of drainage commissioners."

So that said section as amended shall read as follows:

"All officers performing services in proceedings under the provisions of this act shall receive the same fees as are allowed by the statute for like services and no other. Attorneys at law, selected by the petitioners to prepare and file ex parte petitions for the establishment of drainage, levee or reclamation districts which are established under the provisions of this act, shall faithfully perform the duties of attorney in such proceeding, attend to the preparation of all reports of the viewers, and do such other things that may become necessary up until the time when the proceedings are heard upon the exceptions to the viewers' preliminary report and judgment is rendered thereon, establishing or refusing to establish such district, at which time his duties shall cease.

If the district is established it shall be the duty of the court so organizing same to allow such attorney so representing the petitioners in having the district established a reasonable fee

for the service actually rendered; the same is to be taxed as a part of the general cost in the proceeding, and paid by the board of drainage commissioners out of the funds belonging to the district when funds come into their hands.

The board of drainage commissioners, except where otherwise provided, shall by resolution, at time of employing or appointing any person to render services, provide for the compensation for the work done and necessary expenses incurred by any officer, engineer, attorney or other employee, and said board shall pay the fees, per diem and necessary expenses of all court and county officers who may by virtue of this act render services to said district.

The compensation to be paid the engineer constituting one of the board of viewers shall be fixed by the court at or before the time of his appointment, by order entered of record. The other viewers and members of the board of appraisers shall receive for their services the sum of five dollars ($5.00) per day for the time actually engaged in performing their duties. Rodmen, chain carriers and other laborers employed in the work shall receive three dollars ($3.00) per day for their services. Fees or compensation for any service not herein fixed or provided for shall be reasonable and fixed by the board of drainage commissioners. The fees of the secretary of the board shall be three dollars ($3.00) per day for attending the meetings of the board of drainage commissioners and ten cents (10c) per one hundred words for matters required to be written or recorded by him. The fees of the treasurer shall be not more than one per centum (1%) for receiving and disbursing funds under the control of said board of drainage commissioners. If any bank or officer or employee of any bank or other qualified person will execute proper bond and serve as treasurer without remuneration or will pay to the district a fee for being allowed to serve as treasurer with the privilege of selecting the depositary of the funds, and the board of drainage commissioners considers it safe and profitable to the district, such bank or person may

be appointed treasurer. It shall be the duty of said board to receive bids or terms from all the banks of the city wherein the office of said board is located which desire to act as treasurer and select the bank or person which, in the board's opinion, will best serve the interest of the district. The treasurer shall make no disbursement of any drainage funds whatever except upon warrant issued by the board of drainage commissioners."

§ 2. When ordered by the board of drainage commissioners the treasurer of the said board shall receive the annual payment of drainage taxes directly from any land owner desiring to pay the treasurer. In such case he shall render to the land owner a proper and definite receipt. On the first day of December of each year the treasurer shall certify to the sheriff a list of all tracts on which drainage taxes for that year have not been paid to the treasurer. Such drainage taxes as have been paid neither to the treasurer nor to the sheriff shall be treated by the sheriff as provided by law for delinquent drainage taxes. The provisions of this section shall in no way relieve the board of drainage commissioners of the duty of certifying to the sheriff a list of all district taxes due as provided by section 2380b-28, Kentucky Statutes, nor shall they relieve the sheriff of the duty of collecting such taxes as any land owner may desire to pay him in the proper time and manner. The fees of the sheriffs for collecting drainage taxes shall be four per centum (4%), which shall be added to the regular assessments.

§ 3. The board of drainage commissioners shall be empowered to receive from any land owner at any time payments in full for the unpaid portion of the minimum district assessment against his tract, provided that satisfactory arrangements can be made with the bond owners to retire prematurely such portions of the bonds as will practically cover the amount of lump payment of the minimum district assessment, and provided that such transactions will cause no present or

future shortage of funds for payment of coupons and the retiring of maturing bonds.

§ 4. In case the date of collecting drainage taxes and applying the penalty for delinquency in payment has been or shall be changed by law after the issuance of bonds or other obligations for a drainage district and interferes with the proper discharge of such bonds or obligations, the board of drainage commissioners may, at its discretion, by written notice to the sheriff or sheriffs charged with such collections, require the application of the penalties according to the law in effect at the time the bonds or other obligations were issued; provided that nothing in this section shall be construed to invalidate the provisions of section two of this act.

§ 5. Whereas the provisions of this act will render immediate relief to several districts overburdened by drainage taxes superimposed on agricultural land already heavily taxed, an emergency is hereby declared to exist and this act shall take effect immediately upon its passage and approval by the Governor.

Ordered that said bill be read the third time.

The Constitutional provisions as to the third reading of said bill at length being dispensed with, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	C. H. Berryman	S. J. Bunger
Wm. J. Arvin	W. P. Bowman	C. B. Carver
W. O. Bach	D. F. Brown	Lee Clark
A. J. Baldridge	Geo. A. Brown	Lonnie Cooper
L. D. Bax	F. W. Bryant	Fred H. Coots
W. B. Belknap	J. R. Buckman	J. D. Cox
T. H. Benton	W. G. Buckner	J. S. Cruse

J. L. Cushing	Grover C. Johnson	Caleb Page
C. L. Daly	W. W. Johnson	Smith Park
James M. Durham	D. C. Jones	Jas. J. Peters
J. O. Evans	Mrs. H. G. Jorris	Geo. W. Potter
D. W. Fowler	W. O. Keller	W. H. Pryor
Otto C. Gartin	Thos. H. King	H. A. Pulliam
R. E. Glenn	W. W. Leslie	R. R. Rogers
F. A. Gnau	Leon P. Lewis	C. W. Ryans
Whitsett Hall	J. L. Manning	M. G. Slusher
Lawrence Harmon	Joe Martin	E. J. Snyder
C. W. Hawkins	Shelby Martin	Frank L. Strange
J. M. Hayse	H. J. Meyers	J. G. Swearengin
Goebel B. Henson	J. S. Milliken	Mac Swinford
H. B. Holland	T. R. Moore	J. L. Valandingham
S. K. Holland	B. T. Morris	Chiles Van Antwerp
Ira L. Horne	L. P. Murphy	C. D. Vincent
J. C. Hutcherson	Chas. N. McCarty	W. S. Wallen
E. M. Johnson	J. L. McDavid	T. B. Watts

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There voted in the negative—

Clint Raymer — 1

Resolved that the title thereof be as aforesaid.

Mr. Pulliam moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 55. An Act to require any driver of any vehicle on a public highway, on approaching railroad and interurban grade crossings, outside of cities and incorporated towns, to stop, look and listen, before passing thereover, and to require highway Commissioners to erect and maintain stop signs for

such crossings; and to require railway and interurban companies to furnish and deliver said signs; and providing penalties for non-compliance to stop, look and listen.

Mr. Meyers moved that said bill be recommitted with leave to report at any time.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 144. An Act to amend Article 12, Section 1550, Subsection 19, Carroll's Kentucky Statutes, 1922, prescribing the qualifications of Electors in Primary Elections.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Article 12, Section 1550-19, Carroll's Kentucky Statutes, 1922, prescribing the qualifications of electors in primary elections, be and it hereby is amended by striking therefrom the following:

"He shall, in addition to said qualifications, be a member of the party for whose nominees he intends to cast his vote, and shall have affiliated with said party and supported its nominees and no person shall be deemed to have affiliated with the party in whose primary he seem (seeks) to cast his vote, if he voted against the nominee or nominees of such party at the last general election."

And by striking therefrom after the word "they" in the 35th line, the following words: "have affiliated and supported as defined herein,"

And substituting in lieu thereof the words: "declare their affiliation."

So that, when so amended, said section shall read as follows:

"Section 1550-19. Qualifications of Electors. Before a person shall be qualified to vote in the primary election herein provided for, he shall possess all the qualifications now prescribed by the Constitution and as are now required of voters in the regular election. Said qualifications shall be determined as of the date of the primary, without regard to the qualifications or disqualifications as they may exist at the succeeding regular election. In precincts where registration is required, no elector, except those entitled to be specially registered as herein provided, shall be entitled to vote in any primary, unless he is registered in the registration book of said precinct for the preceding year, as affiliating with the party whose ballot he offers to vote. If so registered, he shall be entitled to vote the ballot of the party with which he is registered and no other. In other precincts qualified electors shall be allowed to vote only the ballot of the party of which they are members, and with which they declare their affiliation. Provided that all minors who will become twenty-one years of age before the November election shall be entitled to vote in said primary by declaring the party of their choice. The qualifications above described shall apply to candidates and voters alike.

"In order to determine in case of doubt, any of the qualifications above mentioned, the judge of the election shall have power to and shall swear any person offering himself to vote as to any of said qualifications, and when so sworn the judge shall direct the clerk to, and the clerk shall write upon the primary stub bearing the voter's name, the words "sworn as to qualifications." And any voter making a false statement as to any of his qualifications shall be liable to indictment and conviction for false swearing.

"Any judge of an election knowingly receiving a vote of any elector who is not qualified as provided in this act, shall be guilty of a misdemeanor, and upon conviction shall be fined

one hundred dollars for each offense, and any person so voting knowing that he is not qualified as provided in this act, shall be guilty of a misdemeanor and upon conviction, shall be fined one hundred dollars for each offense, the fine in each case to be recovered upon information or indictment in any court having jurisdiction.

Mr. Hawkins moved that said bill lie on the table.

Said motion was disagreed to.

Mr. Jones offered the following amendment to said bill, viz.:

"Amend H. B. 144 by striking out the words 'succeeding' in line 18 of page 2 and inserting in lieu thereof the word 'preceding' election."

Said amendment was adopted.

Ordered that bill be engrossed and read the third time.

The Constitutional provisions as to the third reading of said bill at length being dispensed with and the same benig engrossed, it was read by its title and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	C. H. Berryman	Mormon B. Daniel
W. O. Bach	D. F. Brown	James M. Durham
A. J. Baldridge	Geo. A. Brown	J. O. Evans
J. H. Baughman	F. W. Bryant	D. W. Fowler
W. B. Belknap	Fred H. Coots	Otto C. Gartin
T. H. Benton	J. S. Cruse	R. E. Glenn
Shaler Berry	C. L. Daly	F. A. Gnau

Whitsett Hall	J. L. Manning	Jas. J. Peters
Lawrence Harmon	Joe Martin	Geo. W. Potter
Ira L. Horne	A. M. Mercer	H. A. Pulliam
J. C. Hutcherson	T. R. Moore	R. R. Rogers
Grover C. Johnson	B. T. Morris	C. W. Ryans
W. W. Johnson	Chas. N. McCarty	Chas. L. Seale
D. C. Jones	J. L. McDavid	M. G. Slusher
Mrs. H. G. Jorris	F. T. Nichols	J. L. Valandingham
J. R. Kelly	Caleb Page	Chiles Van Antwerp
Thos. H. King	Smith Park	C. D. Vincent
Leon P. Lewis	J. J. Patterson	T. B. Watts

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Those who voted in the negative were—

W. B. Ardery	E. J. Doss	L. P. Murphy
Wm. J. Arvin	D. E. Edwards	W. J. McGill
J. R. Buckman	C. W. Hawkins	W. H. Pryor
W. G. Buckner	Goebel B. Henson	Clint Raymer
S. J. Bunger	H. B. Holland	Philip J. Ryan
W. A. Carson	S. K. Holland	W. R. Smith
C. B. Carver	E. M. Johnson	E. J. Snyder
Lee Clark	W. O. Keller	Frank L. Strange
Lonnie Cooper	W. W. Leslie	J. G. Swearengin
J. D. Cox	Shelby Martin	Mac Swinford
W. J. Curtis	H. J. Meyers	W. S. Wallen
J. L. Cushing	J. S. Milliken	

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Resolved that the title thereof be as aforesaid.

Mr. Belknap moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Milliken moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

WEDNESDAY, FEBRUARY 10, 1926

The House was opened with prayer by the Reverend V. P. Merrell of the Presbyterian Church, South, of Frankfort.

The roll was called and the following members answered to their names, viz.:

Lewis Allen	James M. Durham	A. M. Mercer
W. B. Ardery	D. E. Edwards	H. J. Meyers
Wm. J. Arvin	J. O. Evans	H. H. Miller
W. O. Bach	D. W. Fowler	J. S. Milliken
A. J. Baldridge	Otto C. Gartin	T. R. Moore
J. H. Baughman	R. E. Glenn	B. T. Morris
L. D. Bax	F. A. Gnau	L. P. Murphy
W. B. Belknap	Whitsett Hall	Chas. N. McCarty
T. H. Benton	Lawrence Harmon	J. L. McDavid
Shaler Berry	J. F. Harrison	W. J. McGill
C. H. Berryman	C. W. Hawkins	F. T. Nichols
W. P. Bowman	Goebel B. Henson	Caleb Page
D. F. Brown	H. M. Holbrook	Smith Park
Geo. A. Brown	H. B. Holland	J. J. Patterson
F. W. Bryant	S. K. Holland	Jas. J. Peters
J. R. Buckman	Ira L. Horne	Geo. W. Potter
W. G. Buckner	J. C. Hutcherson	W. H. Pryor
S. J. Bunger	E. M. Johnson	Clint Raymer
W. A. Carson	Grover C. Johnson	R. R. Rogers
C. B. Carver	W. W. Johnson	Philip J. Ryan
Lee Clark	D. C. Jones	C. W. Ryans
Lonnie Cooper	Mrs. H. G. Jorris	Chas. L. Seale
Fred H. Coots	W. O. Keller	M. G. Slusher
J. D. Cox	Thos. H. King	W. R. Smith
J. S. Cruse	Oscar Leibson	E. J. Snyder
W. J. Curtis	W. W. Leslie	Frank L. Strange
J. L. Cushing	Leon P. Lewis	J. L. Valandingham
C. L. Daly	J. R. Kelly	Chiles Van Antwerp
Mormon B. Daniel	J. L. Manning	C. D. Vincent
J. R. Dorman	Joe Martin	W. S. Wallen
E. J. Doss	Shelby Martin	T. B. Watts

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. R. F. Brown moved that a leave of absence be granted to Mr. Hayse.

Said motion was agreed to.

Mr. Hutcherson moved that a leave of absence be granted to Mr. Givens.

Said motion was agreed to.

Mr. Gartin moved that a bill entitled:

S. B. 64. An Act to assist disabled ex-service men and women of the World War in obtaining from the Federal Government the relief authorized by Congress, continuing the Kentucky Disabled ex-service Men's Board and appropriatings funds therefor.

Be made a Special Order of this House for today at eleven-thirty o'clock A. M.

Said motion was agreed to.

Upon a call of the Counties and Representative Districts, the following bills were introduced, ordered printed and referred as follows, viz.:

By Mr. Gartin:

H. B. 452. An Act to provide for advertising the resources and possibilities of the Commonwealth of Kentucky through the establishment of a Board to be known as the Kentucky Publicity Board.

To Committee on Kentucky Statutes.

By Mr. Swinford:

H. B. 453. An Act to amend an Act of the Legislature governing the Commission form of government for cities of the fourth class in the State of Kentucky; and providing how the Commission form of government shall be terminated and returned to the Councilmanic form of government.

To Committee on Cities of Fourth Class.

By Mr. Gnau:

H. B. 454. An Act relating to revenue and taxation in counties, cities, towns and other municipal corporations providing that no county, city, town or other municipal corporation shall impose a license, excise or privilege tax upon any person, firm or corporation for the privilege of operating motor vehicles.

To Committee on Motor Transportation.

By Mr. Potter:

H. B. 455. An Act to pension rural teachers who have served the Commonwealth in this capacity for twenty consecutive years.

To Committee on Education No. 1.

By Mr. Doss:

H. B. 456. An Act to establish a primary road system project to be known as 63 a.

To Committee on Roads and Highways No. 2.

The Committees to which same had been referred, reported bills of the following titles, viz.:

By Mr. Daly of the Committee on Charitable Institutions:

H. B. 246. An Act to amend and re-enact Sections 1377, 1378, 1379-1, 1379-8 and 1389, Kentucky Statutes, 1922 Edition, all relating to prisoners and punishment thereof, hard labor, fixing duties of county judge in reference thereto, and providing penalties for violation of such duties.

By Mr. Buckman of the Committee on Cities of Fifth and Sixth Classes:

H. B. 327. An Act to amend and re-enact Sections 3618 and 3619 of the Kentucky Statutes, Carroll's Edition, regulating the election and tenure of officers for cities of the fifth class.

By Mr. G. A. Brown of the Committee on County and City Courts:

H. B. 341. An Act to repeal and re-enact Section 4243 of the Kentucky Statutes, 1915 Edition, relating to records to be kept by the clerk of the circuit and county courts and the trustees of the jury fund so as to make same applicable to county judges, police judges, and justices of the peace of the Commonwealth.

H. B. 333. An Act to amend Section 1845, Kentucky Statuates, relating to compensation of members of Fiscal Court.

S. B. 42. An Act to amend and re-enact Section 1055 of the Kentucky Statutes, (Carroll's 1915) providing for the record books of the judge of the quarterly court and said quarterly court; providing for the appointment of the clerk and deputies of said court, their compensation and the disposition of fees from said court, with certain provisions regarding same, applicable only to counties having a population of one hundred and fifty thousand (150,000) or more.

H. B. 258. An Act to repeal and re-enact Chapter 60, Acts of General Assembly 1906, same relating to publication of financial reports by Fiscal Courts.

By Mr. Lewis of the Committee on Codes of Practice:

H. B. 266. An Act to repeal and re-enact Section 273 of the Criminal Code of Practice, sixth Edition, 1919, edited by John D. Carroll, relating to motion and grounds for new trial.

H. B. 278. An Act to amend and re-enact Subsection 2 of 552 of the Civil Code of Practice, relating to the mode of taking testimony.

H. B. 286. An Act to repeal section 258 of the Code of Criminal Practice and sections 1136 and 1377 of the Kentucky Statutes and to authorize courts having criminal jurisdiction to fix penalties for violations of the criminal laws in all cases where not fixed by statutes.

Without an expression of opinion.

By Mr. Keller of the Committee on Education No. 1:

H. B. 218. An Act to provide the same length of term for white and colored schools in the same districts, repealing, amending and re-enacting Section 4484 in Chapter 8 of the Acts of the General Assembly of 1922 and Section 18 of Chapter 14 of the Acts of the General Assembly of 1920, same being Sections 118 and 401 of Senate Bill No. 28 in the present session of this General Assembly.

By Mr. King of the Committee on Fish and Game:

H. B. 21. An Act for the protection and conservation of game, fish and fur-bearing animals.

With Committee amendment thereto.

With the expression of opinion that said bills ought to pass.

Said bills were severally read at length the first time and ordered to be placed on the Calendar.

Mr. Daly of the Committee on Charitable Institutions to which same had been referred, reported a bill of the following title, viz.:

H. B. 173. An Act to regulate the granting of paroles to convicts.

With the expression of opinion that said bill ought not to pass.

Mr. Glenn moved that said bill be advanced to a first reading, the opinion of the Committee to the contrary notwithstanding.

Said motion was disagreed to.

And so said bill was rejected.

Mr. Arvin of the Committee on Executive Affairs, to which same had been referred, reported a bill of the following title, viz.:

H. B. 320. An Act to regulate constables by requiring them to keep and maintain their offices, headquarters or places of business in districts where elected and penalty for failure.

By Mr. G. A. Brown of the Committee on County and City Courts to which same had been referred, reported bills of the following titles, viz.:

H. B. 251. An Act to repeal and re-enact Chapter 37 of Acts of 1924, an Act providing for vacation for County Judges.

H. B. 358. An Act to amend and re-enact Section 3354, Subdivision 4, of the Kentucky Statutes, relating to the qualifications of police or city judges.

With the expression of opinion that said bills ought not to pass.

No further action having been taken on said bills and no motion having been made to advance said bills to a reading, the opinion of the Committee to the contrary notwithstanding, is was ordered that said bills be not read the first time at length, and so said bills were rejected.

Mr. Fowler moved that the session of today be extended indefinitely.

Said motion was agreed to.

Mr. Strange moved that the rules of this House be suspended and that the House take up for consideration from the Calendar, bills of the following titles, viz.:

Said motion was agreed to.

Thereupon the House took up for consideration from the Calendar, bills of the following titles, viz:

H. B. 234. An Act relating to reward of enlisted soldiers. sailors, marines and army nurses, in the service of the United States, and certain dependents of deceased persons, enlisted, inducted, warranted or commissioned during the World War from or between April 6, 1917, and November 11, 1918, or any part thereof, from the State of Kentucky; prescribing qual-

ifications of those who shall receive such reward, fixing the amount of such reward and creating a commission to be known as "The Soldiers Compensation Board of Kentucky" and fixing the powers and duties of such commission; and making an appropriation therefor; providing for submission to the voters of Kentucky, at the next general election to be held November, 1926, the question of whether or not bonds pledging the full faith and credit of the Commonwealth of Kentucky in the sum of ten million dollars, shall be issued and sold to create a fund out of which to pay such reward.

H. B. 323. An Act to provide for the constitution and appointment of a Board to be known as the Air Board of Kentucky, to have general supervision of aviation and the establishment and maintenance of the air ports, routes and aviation fields in the State of Kentucky, and making an appropriation therefor and further to enable cities, counties and towns to establish and maintain either alone, in conjunction with the State Board or in conjunction with other cities, towns and counties air ports and aviation fields and to authorize such cities, towns and counties to lay and collect a tax for the purchase and maintenance of same.

H. B. 393. An Act to assist disabled United States Spanish War veterans and their dependents in obtaining from the Federal Government the relief authorized by Acts of Congress, and creating for that purpose a voluntary commission and providing for its office expenses and the salary of the Secretary.

H. B. 360. An Act to amend and re-enact Section 2711a-54 of the Kentucky Statutes in relation to certain members of the staff of the Adjutant General.

H. B. 348. An Act to amend and re-enact Section 2380-48 of Kentucky Statutes, Carroll's Edition, 1922, relating to drainage of lands.

H. B. 260. An Act to provide for the submission to the voters of this State of a Constitutional Amendment permitting in the future the submission of a greater number than two amendments to be voted on at one time.

H. B. 216. An Act to call a convention for the purpose of amending and revising the Constitution and to provide for the redrafting thereof.

H. B. 130. An Act to amend and re-enact Section 147 of the Constitution of the Commonwealth of Kentucky.

H. B. 158. An Act to amend and re-enact Section 4536c-4 Kentucky Statutes, Carroll's Edition, 1922, relating to compulsory education and fixing maximum penalty for violating same.

Ordered that said bills be read the second time.

The Constitutional provision as to the second reading of said bills at length being dispensed with, said bills were read the second time by their titles, only.

Ordered that said bills be placed in the Orders of the Day.

The hour of eleven-thirty o'clock having arrived, that being the hour for the Special Order of the Day, the House took up for consideration said Special Order, to-wit:

S. B. 64. (For title, see today's Journal ante.)

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Common-

§ 1. That the Kentucky Disabled Ex-Service Men's Board created by act approved February 27th, 1922, and continued by act approved March 21st, 1924, be continued in ex-

istence for an additional period of two (2) years for the purpost of assisting disabled ex-service men and women of the World War, who are residents of Kentucky and who are or may be entitled to aid from the United States Government pursuant to Federal legislation for the benefit of disabled veterans, in preparing and presenting their said claims to the proper Federal agencies and authorities and in securing and expediting action thereon; to relieve and prevent congestion in the proper consideration, rating and final adjudication of said claims; and to, as far as possible, cause every disabled veteran to receive promptly and regularly such relief as he is entitled to.

§ 2. Said Kentucky Disabled Ex-Service Men's Board shall during the time for which its existence is extended by section 1 of this act, be composed of three (3) members—one of whom shall be the Lieutenant Governor of Kentucky, another of whom shall be the State Commander of the American Legion, Department of Kentucky, and the third shall be elected annually by these two members. The members of the board shall serve without salary or compensation, but they shall be paid their actual and necessary traveling expenses while in discharge of their official duties.

§ 3. The words "ex-service men and women" as used in this act, include any individual who served on active duty in the Army, Navy, or Marine Corps of the United States, between the dates of April 6th, 1917, and July 2nd, 1921, inclusive, and who has received an honorable discharge from such service.

§ 4. The board shall elect a secretary whose duties shall be to prepare in proper form, present and prosecute claims of disabled ex-service men and women with the U. S. Veterans' Bureau and to secure and expedite action on said claims; to keep in constant contact with the U. S. Veterans' Bureau, so that the status of any claims may be known at any time; to make a survey of the state to make certain that no disabled

man is neglected, and to perform such other duties as the board may direct. The secretary shall be paid a salary fixed by the board, which shall not exceed thirty-six hundred dollars ($3,600) per annum, and he shall be paid his actual and necessary traveling expenses while engaged in the performance of his duties.

§ 5. For the purpose of carrying out the provisions of this act, there is hereby appropriated out of State funds, not otherwise appropriated, to the Kentucky Disabled Ex-Service Men's Board the sum of fifteen thousand ($15,000) dollars per year for two (2) years. The board shall keep an accurate and detailed account of all receipts and disbursements, and its books shall be subject to examination and audit by the State Inspector and Examiner. Any part of the fund unused at the expiration of the period for which the board is created shall be turned back to the general state fund.

§ 6. The Kentucky Disabled Ex-Service Men's Board shall have the power to expend such reasonable sums as may be necessary to employ clerical, stenographic and other assistants for the secretary of the board, who shall be paid their actual and necessary traveling expenses while engaged in the performance of their duties, and to establish and maintain offices. Such offices shall be maintained near or in conjunction with the offices of the State headquarters of the American Legion, Department of Kentucky.

§ 7. The Kentucky Disabled Ex-Service Men's Board shall cease to exist on July 1st, 1928.

§ 8. All laws and parts of laws inconsistent herewith are hereby repealed.

§ 9. There being many hundreds of disabled ex-service men who have not received the benefits of Federal legislation to which they are entitled because of lack of knowledge of the Federal law as amended and the U. S. Veterans' Bureau regulations and procedure, and other remedial causes, and it being considered that if this board ceases to function, the disabled ex-service men will not receive the information, assist-

ance and benefits to which they are entitled, an emergency is hereby declared to exist and this act shall take effect from and after its passage and approval as required by law.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	Mormon B. Daniel	Oscar Leibson
W. O. Bach	E. J. Doss	W. W. Leslie
A. J. Baldridge	James M. Durham	Leon P. Lewis
J. H. Baughman	D. E. Edwards	J. L. Manning
L. D. Bax	J. O. Evans	Joe Martin
W. B. Belknap	D. W. Fowler	Shelby Martin
T. H. Benton	Otto C. Gartin	A. M. Mercer
Shaler Berry	R. E. Glenn	H. H. Miller
C. H. Berryman	F. A. Gnau	J. S. Milliken
W. P. Bowman	Whitsett Hall	T. R. Moore
D. F. Brown	Lawrence Harmon	B. T. Morris
Geo. A. Brown	J. F. Harrison	Chas. N. McCarty
F. W. Bryant	C. W. Hawkins	J. L. McDavid
J. R. Buckman	Goebel B. Henson	W. J. McGill
W. G. Buckner	H. M. Holbrook	F. T. Nichols
S. J. Bunger	H. B. Holland	Caleb Page
W. A. Carson	Ira L. Horne	Smith Park
C. B. Carver	J. C. Hutcherson	J. J. Patterson
Lee Clark	E. M. Johnson	Jas. J. Peters
Lonnie Cooper	Grover C. Johnson	Geo. W. Potter
Fred H. Coots	W. W. Johnson	W. H. Pryor
J. D. Cox	D. C. Jones	H. A. Pulliam
J. S. Cruse	Mrs. H. G. Jorris	Clint Raymer
W. J. Curtis	W. O. Keller	R. R. Rogers
J. L. Cushing	Thos. H. King	Philip J. Ryan

C. W. Ryans	Frank L. Strange	C. D. Vincent
Chas. L. Seale	J. G. Swearengin	W. S. Wallen
M. G. Slusher	Mac Swinford	T. B. Watts
W. R. Smith	J. L. Valandingham	
E. J. Snyder	Chiles Van Antwerp	

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Resolved that the title thereof be as aforesaid.

Mr. Gartin moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The hour of twelve o'clock having arrived, Mr. Berryman moved that the rules be suspended and that the Special Order of the Day set for twelve-thirty o'clock today, viz.:

H. B. 64. An Act to enable cities of all classes to adopt and operate under the city manager form of government, and amending Sections 3235c-1, 3235c-2 and 3235c-3 of Carroll's Kentucky Statutes, relating to Municipalities of all classes,

Be taken up for immediate consideration.

Said motion was agreed to.

Mr. Meyers moved that the House do now recess for one hour.

Said motion was agreed to.

The hour of one o'clock having arrived, the Speaker resumed the Chair and called the House to order.

A message was received from the Senate announcing that they had passed bills and resolutions of the following titles, viz.:

1. S. B. 17. An Act providing for reviewing judgments of Circuit Courts in penal actions and prosecutions for misdemeanors by the Court of Appeals and repealing all acts or parts of acts in conflict herewith.

2. S. B. 104. An Act to prohibit the owner of real property from failing to apply the proceeds of the sale thereof or loan thereon to the payment of the amounts owing for labor or materials used in the erection, repair or improvement of any structure thereon, and prescribing a penalty for the violation thereof.

3. S. B. 105. An Act to require persons building, repairing or improving property for others to apply money received from the owner to the payment of bills for labor or material and providing a penalty for the violation thereof.

4. S. B. 94. An Act to amend and re-enact Sections 2445, 2447-1 and 2447b, Chapter 78, Kentucky Statutes, 1915 Edition, as amended by Acts 1924, Chapter 129, entitled "An Act to amend and re-enact Section 2447b of Chapter 78, Kentucky Statutes, Carroll's Edition, 1922, which chapter is entitled 'Library, State.'"

5. S. B. 92. An Act to amend and re-enact Section 1169 of the Kentucky Statutes, Edition of John D. Carroll of 1915, relating to the burning of warehouse, barn, other house of personal property, by inserting therein the words "or stock of goods, wares, or merchandise, or household goods or any article of personal property" and the word "automobile."

Said bills were ordered printed and referred as follows, viz.:

1. To Committee on Court of Appeals.

2. To Committee on Railroads.

3. To Committee on Railroads.

4. To Committee on State Properties.

5. To Committee on Kentucky Statutes.

And that they had passed the following resolutions, viz.:

S. Res. 18. Resolution on the death of W. L. Mapother.

S. Rec. 17. Resolution adopting the Kentucky Cardinal as official State Bird.

Ordered that said resolutions lie on the Clerk's Desk.

And that they had also passed a resolution which originated in this House entitled:

H. Res. 5. A Concurrent Resolution providing for the appointment of a Joint Committee of the House and Senate, on the state of the Commonwealth, to investigate, report on, and reccommend a remedy for certain economic conditions thereof.

The House resumed consideration of the unfinished business of the Day, to-wit: the Special Order of the Day, which was

H. B. 64. (For title see Journal of today, ante.)

Together with the Committee Amendments thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any city may become organized and be governed under the city manager form of government, according

to Section 3235c-3 as herein amended and Sections 3235c-4, 3235c-5, 3235c-6, 3235c-7, 3235c-8, 3235c-9, 3235c-12, 3235c-13, 3235c-14, 3235c-15, 3235c-20, 3235c-21, 3235c-22, 3235c-23, 3235c-24, 3235c-25, 3235c-26, 3235c-27, 3235c-28, and 3235d, all of said sections being Carroll's Kentucky Statutes, and according to the provisions of this act by proceeding as herein provided. Organizing under this act shall not change the corporate entity of any such city, nor alter the body politic and corporate.

§ 2. All laws, statutes, by-laws, ordinances and resolutions in force, applicable to and governing any city before the adoption of city manager form of government, and not inconsistent with this act, shall continue to be in force after said adoption until altered or repealed in the regular manner.

§ 3. That Section 3235c-3 of Carroll's Kentucky Statutes be amended by repealing all of said section and re-enacting in lieu thereof the following:

It shall be the duty of the county judge in the county, in which is located a city proposing to take the sense of its voters, as herein provided, upon the change in organization and government, upon the application by a written petition signed by a number of legal voters of said city equal to twenty-five per centum (25%) of the votes cast in said city, at the last preceding general election, to receive said petition, and at the next regular term thereafter to make an order on his order book directing an election to be held in said city at the next regular election and not earlier than sixty days after said application is lodged with the said judge, which order shall direct the sheriff, or other officer of said county who may be appointed to hold said election, to open the polls at each and all of the voting places in said city for the purpose of taking the sense of the qualified voters of said city upon the question as to whether or not the citizens in said city are in favor of the organization and government of said city, under the provisions of this act or such other acts as may utilize the election procedure herein specified.

The question submitted to the voters shall be:

"Are you in favor of the organization and government of the city of ....., under the City Manager Form of Government (or Commission Form of Government) as the case may be, according to the provisions of an act (Naming act and giving year or date of passage or approval or both).

It shall be the duty of the County Clerk to give to the sheriff of the county, or to such officer as may be appointed to hold said election, a certified copy of the order of the county court, as it appears on the order book, within five days after such order is made; and it shall be the duty of said sheriff, or other such officer, to have said order published or circulated in said county, for at least two weeks before the election, and also to advertise the same by printed or written handbills, posted in conspicuous places in said city, for the same length of time. If there is no weekly or daily newspaper published in said city, or the proprietor of said paper refuses to publish such notice, the printed or written hand-bills provided for shall be sufficient notice. The sheriff or other officer shall have the advertisement and notices herein provided for posted as herein required, within seven days after he receives the order of the county court. All elections provided for in this act, except the primary elections, shall be held on the regular election day by the regular election officers.

If it shall be found that a majority of the legal votes cast at the election hereinabove provided for were given for or against said proposition submitted, it shall be the duty of the canvassing board to certify that fact, which certificate shall be delivered to the clerk of the county court and a copy thereof delivered to the clerk of the city, and at the next regular term of said court the county judge shall cause the same to be spread on the order book of said court, and the entry of said certificate in the order book, or copy thereof, shall be prima facie evidence of the facts therein contained.

When a majority of the votes cast shall be in favor of organizing and governing the city under the provisions of this act, and said fact shall be certified as hereinabove provided, by the said canvassing board to the county clerk, a copy of which shall be certified to the city clerk, and said copy of said certificates shall be spread upon the records of said county, as herein provided, and upon the records of said city at the next regular meeting of the city council; thereupon said city shall be organized and governed by the provisions of this act.

§ 4. The mayor shall be elected for a term of four years, beginning on the first Monday in January following his election; and shall receive an annual salary, to be determined by the legislative body of the city prior to his election, of not more than three thousand ($3,000.00) dollars in the case of first class cities, of not more than nine hundred ($900.00) dollars in the case of second class cities, of not more than five hundred ($500.00) in the case of third class cities and of not more than three hundred ($300.00) dollars in the case of other classes of cities.

§ 5. The commissioners shall be elected each for a term of two years, beginning the first Monday in January following their election; and each shall receive an annual salary, to be determined by the legislative body of the city prior to his election, of not more than Two Thousand ($2,000.00) Dollars in the case of first class cities, or not more than Six Hundred ($600.00) Dollars in the case of second class cities, or not more than Three Hundred Fifty ($350.00) Dollars in the case of third class cities, and not more than Two Hundred ($200.00) Dollars in the case of other classes of cities.

§ 6. Under city manager form of government the board of commissioners shall select and employ a city manager who shall be the executive agent of the mayor and board of commissioners in the management of city affairs. Neither the mayor nor board of commissioners nor any commissioner

shall dictate the appointment of any person to office or employment by the city manager, or in any manner interfere with the city manager or prevent him from exercising his own judgment in the appointment of officers and employees in the administrative service. Except for the purpose of inquiry the board of commissioners and its members shall deal with the administrative service solely through the city manager, and neither the board of commissioners nor any member thereof shall give orders to any of the subordinates of the city manager, either publicly or privately. Any such dictation, prevention, orders, or other interference on the part of a member of the board of commissioners with the administration of the city shall be deemed to be a misdemeanor, and upon conviction any member so convicted shall be subject to a fine not exceeding $500.00 or imprisonment for a term not exceeding two months, or both, and to removal from office in the discretion of the court.

§ 7. The mayor shall preside at meetings of the board of commissioners and perform such other duties consistent with his office as may be imposed by the board of commissioners. He shall be recognized as the official head of the city for all ceremonial purposes by the courts for the purpose of serving civil proceses, and by the governor for military purposes. In time of public danger or emergency he may, with the consent of the board of commissioners, take command of the police and maintain order and enforce the laws. During his absence or disability his duties shall be performed by another member appointed by the board of commissioners.

§ 8. The city manager shall be chosen by the board of commissioners solely on the basis of his executive and administrative qualifications. The choice shall not be limited to inhabitants of the city or state. He shall be appointed for an indefinite period. He shall be removable by the board of commissioners, but such removal shall not be effected by a reduction in the compensation of the city manager; if removed

at any time after six months he may demand written charges and a public hearing on the same before the board of commissioners prior to the date on which his final removal shall take effect, but during such hearing the board of commissioners may suspend him from office. During the absence or disability of the city manager the board of commissioners shall designate some properly qualified person to perform the duties of the office. The city manager shall receive a compensation to be determined by the board of commissioners. In the case of second class cities said compensation shall not be less than five thousand ($5,000.00) dollars per annum, in the case of third class cities said compensation shall not be less than three thousand six hundred ($3,600.00) dollars per annum, in case of fourth class cities the compensation of the city manager shall be not less than twenty-four hundred ($2,400.00) dollars.

§ 9. The city manager shall be responsible to the board of commissioners for the proper administration of all affairs of the city, and to that end shall make all appointments, except as otherwise provided in this law. To separate the business affairs of the city from the law enforcement agencies, the board of commissioners may by ordinance order an election to be held according to law, not less than thirty days of the publication of said ordinance to allow the voters of the city to select a law enforcement director who shall be charged will full responsibility for the police department and city prosecuting attorney. To that end the commissioner of law enforcement shall make all appointments and shall appoint the city prosecuting attorney, including the remainder, if any, of the personnel of the office of the prosecuting attorney. Except when the board of commissioners is considering his removal, the city manager shall be entitled to be present at all meetings of the board of commissioners and of its committees and to take part in their discussion.

§ 10. The city manager shall prepare and submit to the board of commissioners the annual budget after receiving estimates made by the directors of the departments.

§ 11. Administrative Departments Created. There shall be five administrative departments as follows: Law, health, works and utilities, safety and welfare, and finance, the functions of which shall be prescribed by the board of commissioners except as herein otherwise provided. The city manager shall, subject to the approval of the board of commissioners, fix all salaries, and the board of commissioners may, by a three-fourths vote of its entire membership, create new departments, combine or abolish existing departments or establish temporary departments for special work.

§ 12. Duties of Directors of Departments. At the head of each department there shall be a director. Each director shall be chosen on the basis of his general executive and administrative experience and ability and of his education, training and experience in the class of work which he is to administer. The director of the department of law shall be a lawyer; of health, a sanitary engineer or a member of the medical profession; of works, an engineer; of safety and welfare, a man who has had administrative experience; and of finance, a man who has had experience in banking, accounting, or other financial matters; or in each case the man must have rendered active service in the same department in this or some other city.

Each director shall be appointed by the city manager and may be removed by him at any time; but in case of such removal, if the director so demands, written charges must be preferred by the city manager, and the director shall be given a public hearing before the order of removal is made final. The charges and the director's reply thereto shall be filed with the clerk of the board of commissioners.

§ 13. Responsibility of Directors of Departments. The directors of departments shall be immediately responsible to

the city manager for the administration of their departments, and their advice in writing may be required by him on all matters affecting their departments. They shall prepare departmental estimates, which shall be open to public inspection and they shall make all other reports and recommendations concerning their departments at stated intervals or when requested by the city manager. All salaries shall be fixed by the city manager, subject to the approval of the board of commissioners.

§ 14. Powers of Subpoena. The board of commissioners, the city manager, and any officer or board authorized by them, or either of them, shall have power to make investigations as to city affairs, to subpoena witnesses, administer oaths and compel the production of books and papers. The board of commissioners or the electorate of the city may adopt such civil service rules as may be deemed necessary for the efficient non-political handling of city affairs.

§ 15. The Director of Finance. The director of finance shall have direct supervision over the department of finance and the administration of the financial affairs of the city, including the keeping of accounts and financial records; the levy, assessment and collection of taxes, special assessments, and other revenues (except as otherwise provided by general law); the custody and disbursement of city funds and moneys; the control over expenditures; and such other duties as the board of commissioners may, by ordinance, provide.

§ 16. Accounts and Records. Accounts shall be kept by the department of finance showing the financial transactions for all departments of the city. Forms for all such accounts shall be prescribed by the director of finance with the approval of the city manager; and shall be adequate to record all cash receipts and disbursements, all revenues accrued and liabilities incurred, and all transactions affecting the acquisition, custody, and disposition of values, and to make such reports of the financial transactions and conditions of the city as may be required by law or ordinance. Financial reports

shall be prepared for each quarter and each fiscal year, and for such other periods as may be required by the city manager, or the board of commissioners.

§ 17. Annual Budget. Once each year the city manager shall prepare and submit to the board of commissioners an annual budget for the ensuing fiscal year, based upon detailed estimates furnished by the several departments and other divisions of the city government, according to a classificattion as nearly uniform as possible. The budget shall present the following information:

(a) An itemized statement of the appropriations recommended by the city manager for current expenses and for permanent improvements for each department and each division thereof for the ensuing fiscal year, with comparative statements in parallel columns of the appropriations and expenditures for the current and next preceding fiscal year, and the increases or decreases in the appropriations recommended;

(b) An itemized statement of the taxes required and of the estimated revenues of the city from all other sources for the ensuing fiscal year, with comparative statements in parallel columns of the taxes and other revenues for the current and next preceding fiscal year, and of the increases or decreases estimated or proposed.

(c) A statement of the financial condition of the city; and,

(d) Such other information as may be required by the board of commissioners. Copies of the budget shall be printed and available for distribution not later than two weeks after submission to the board of commissioners and a public hearing shall be given thereon by the board of commissioners or a committee thereof before action by the board of commissioners.

§ 18. Appropriation Ordinance—Temporary Appropriations—Transfers. The Boad of Commissiones shall pass an annual appropriation ordinance, which shall be based on the

budget submitted by the city manager. The total amount of appropriations shall not exceed the estimated revenues of the city.

Before the annual appropriation ordinance has been passed, the board of commissioners, with the approval in writing of the city manager, may make appropriations for current department expenses, chargeable to the appropriations of the year when passed, to an amount sufficient to cover the necessary expenses of the various departments until the annual appropriation is in force. No other liabilities shall be incurred by any officer or employee of the city, except in accordance with the provisions of the annual appropriation ordinance or under continuing contracts and loans authorized under the provisions of this charter.

At any meeting after the passage of the appropriation ordinance, and after at least one week's public notice, the board of commissioners, by a three-fourths vote, may amend such ordinance, so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, to appropriate available revenues not included in the annual budget.

§ 19. Each fiscal year an annual audit shall be made of all the accounts of all city officers; and upon the death, resignation, removal or expiration of the term of the director of finance, an audit shall be made of his accounts. Such audits shall be made under the provisions of any law for the inspection and audit of municipal accounts by state officers; and if there is no such state inspection such audits shall be made by qualified public accountants, selected by the board of commissioners, who have no personal interest, direct or indirect, in the financial affairs of the city or of any of its officers or employes. The board of commissioners may at any time provide for an examination or audit of the accounts of any officer or department of the city government. The board of commissioners shall require bonds with adequate surety of such amounts as it may deem advisable, from the city manager,

the director of the department of finance and from any other city employee whose duties, in the opinion of said board, require a bond for faithful performance. Any premiums on any or all of said bonds may at the discretion of the board of commissioners be paid by the city.

§ 20. Cities of less than twenty thousand (20,000) population may elect two commissioners to act with the mayor instead of four commissioners, if such preference is expressed in the petition to the county judge provided for in Section 3235c-3 of Carroll's Kentucky Statutes. Furthermore, the number of commissioners in cities of less than twenty thousand population may be reduced from four to two by action of the legislative board of the city by ordinance passed at least four weeks prior to the primary election at which the commissioners are candidates. In cases where two commissioners instead of four have been decided upon by the petitioners or by ordinance the primary and general elections shall be conducted as provided in Sections 3480b-6 and 3480b-7 of Carroll's Kentucky Statutes.

§ 21. The provisions of this act shall be severable, and if any of the provisions shall be held to be unconstitutional, the decision of the court shall not affect the validity of the remaining provisions.

Said amendments are as follows, viz.:

1. That H. B. 64 be amended by striking out the words "twenty-five per centum (25%)" in line 8 of Section 3, and substituting therefor the following: "fifteen per centum (15%)."

2. That H. B. 64 be amended by inserting the following words before the word "not" in line 5 of Section 4: "five hundred ($500) dollars unless changed by ordinance and."

3. That H. B. 64 be amended by inserting the following words before the word "not" in line 5 of Section 5: "four hundred ($400) dollars unless changed by ordinance and."

4. That H. B. 64 be amended by striking out the words "once each year" in line 1 of Section 17, and substituting therefor the words "not later than one month before the end of each fiscal year."

5. That H. B. 64 be amended by inserting the following words before the word "the" in line 2 of section 18: "Not later than one month after the beginning of the fiscal year."

6. That H. B. 64 be amended by striking out from the title the following:

Mr. Milliken moved that said bill and the amendments by the committee lie on the table.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs Milliken and Meyers, were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	R. E. Glenn	T. R. Moore
Wm. J. Arvin	F. A. Gnau	L. P. Murphy
L. D. Bax	Lawrence Harmon	J. L. McDavid
Geo. A. Brown	C. W. Hawkins	W. J. McGill
W. G. Buckner	H. M. Holbrook	Geo. W. Potter
S. J. Bunger	W. O. Keller	W. H. Pryor
W. A. Carson	Oscar Leibson	Clint Raymer
Lee Clark	W. W. Leslie	Philip J. Ryan
Lonnie Cooper	J. L. Manning	C. W. Ryans
J. D. Cox	Joe Martin	W. R. Smith
J. S. Cruse	Shelby Martin	E. J. Snyder
W. J. Curtis	A. M. Mercer	J. G. Swearengin
J. L. Cushing	H. J. Meyers	T. B. Watts
C. L. Daly	H. H. Miller	
J. R. Dorman	J. S. Milliken	

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Those who voted in the negative were—

W. B. Ardery	James M. Durham	Chas. N. McCarty
W. O. Bach	D. E. Edwards	F. T. Nichols
A. J. Baldridge	J. O. Evans	Caleb Page
J. H. Baughman	D. W. Fowler	Smith Park
W. B. Belknap	J. F. Harrison	J. J. Patterson
T. H. Benton	Goebel B. Henson	Jas. J. Peters
Shaler Berry	H. B. Holland	H. A. Pulliam
C. H. Berryman	Ira L. Horne	R. R. Rogers
W. P. Bowman	J. C. Hutcherson	Chas. L. Seale
D. F. Brown	Grover C. Johnson	M. G. Slusher
F. W. Bryant	D. C. Jones	Frank L. Strange
J. R. Buckman	Mrs. H. G. Jorris	Mac Swinford
C. B. Carver	Thos. H. King	J. L. Valandingham
Fred H. Coots	Oscar Leibson	Chiles Van Antwerp
Mormon B. Daniel	Leon P. Lewis	C. D. Vincent
E. J. Doss	B. T. Morris	W. S. Wallen

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Mr. Meyers moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

THURSDAY, FEBRUARY 11, 1926.

The House was opened with prayer by the Reverend V. P. Merrell of the Presbyterian Church, South, of Frankfort.

The roll was called and the following members answered to their names, viz.:

Lewis Allen	L. D. Bax	Geo. A. Brown
W. B. Ardery	T. H. Benton	F. W. Bryant
Wm. J. Arvin	Shaler Berry	J. R. Buckman
W. O. Bach	C. H. Berryman	W. G. Buckner
A. J. Baldridge	W. P. Bowman	S. J. Bunger
J. H. Baughman	D. F. Brown	W. A. Carson

C. B. Carver
Lee Clark
Lonnie Cooper
Fred H. Coots
J. D. Cox
J. S. Cruse
W. J. Curtis
J. L. Cushing
C. L. Daly
Mormon B. Daniel
J. R. Dorman
E. J. Doss
James M. Durham
D. E. Edwards
J. O. Evans
D. W. Fowler
Otto C. Gartin
R. E. Glenn
F. A. Gnau
Whitsett Hall
Lawrence Harmon
J. F. Harrison
C. W. Hawkins
J. M. Hayse
Goebel B. Henson
H. M. Holbrook
H. B. Holland
S. K. Holland
Ira L. Horne
J. C. Hutcherson
E. M. Johnson
Grover C. Johnson
W. W. Johnson
D. C. Jones
Mrs. H. G. Jorris
W. O. Keller
J. R. Kelly
Thos. H. King
Oscar Leibson
W. W. Leslie
Leon P. Lewis
J. L. Manning
Joe Martin
Shelby Martin
A. M. Mercer
H. J. Meyers
H. H. Miller
J. S. Milliken
T. R. Moore
B. T. Morris
L. P. Murphy
Chas. N. McCarty
J. L. McDavid
W. J. McGill
F. T. Nichols
Caleb Page
Smith Park
J. J. Patterson
Jas. J. Peters
Geo. W. Potter
W. H. Pryor
H. A. Pulliam
Clint Raymer
R. R. Rogers
Philip J. Ryan
C. W. Ryans
Chas. L. Seale
M. G. Slusher
W. R. Smith
E. J. Snyder
Frank L. Strange
J. G. Swearengin
Mac Swinford
J. L. Valandingham
Chiles Van Antwerp
C. D. Vincent
W. S. Wallen
T. B. Watts

The reading of the Journal of yesterday was dispensed with.

The House resumed consideration of the unfinished business of yesterday, to-wit:

H. B. 64. (For title see Journal of yesterday)

Together with Committee Amendments thereto.

(For bill and Committee Amendments see Journal of yesterday.)

Said Committee Amendments were then each and severally adopted.

Mr. Berry offered the following Amendment to said bill, viz.:

Amend H. B. 64 by inserting in line 1 of page 1 after the word "city" the words "except a city of the first class" and by striking out the words beginning with "of" on line 4 of Section 4 and ending with the word "cities" in line 5 of Section 4 and by striking out the words beginning with the second "of" in line 4 of Section 5 and ending with the word "cities" in line 5 of said Section.

Said amendment was disagreed to.

Mr. Meyers offered the following amendments, viz.:

Amend H. B. 64 by striking out and inserting in lieu thereof, the following:

"To provide for the election of a Mayor and three commissioners, the Mayor to receive a salary of not to exceed $5,000 and the commissioners a salary not to exceed $4,500.

And in lieu of a city manager to provide that the work of the mayor and three commissioners be so apportioned and specified, that each and every one will have his prescribed duties and will have the appointment and sole jurisdiction over the departments to which he is elected."

Said amendment was disagreed to.

Mr. Strange offered the following amendment to said bill, viz.:

Amend H. B. 64 by striking out Section 9, page 6, line 17, the words and figures "three thousand, six hundred ($3,600)

dollars'' and substituting in lieu thereof the words and figures ''two thousand four hundred ($2,400).''

Said amendment was agreed to.

Mr. Daniel offered the following amendment to said bill, viz.:

Amend H. B. 64, Section 8, page 6, line 19, by striking out the words ''Be not less than twenty-four hundred ($2400) dollars'' and adding in lieu the following ''Be left to the people.''

Said amendment was adopted.

Mr. Meyers moved that the vote by which each and every amendments had been either adopted or rejected, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Pulliam offered the following amendment to said bill, viz.:

Amend H. B. 64 by adding the word ''3235c-29'' after the word ''3235c-28'' in line 5 of Section 1.

Said amendment was adopted.

Mr. Bachs moved the previous question.

Said motion was agreed to.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, it was read the third time by its title and rejected.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	J. R. Dorman	Thos. H. King
W. B. Ardery	E. J. Doss	Leon P. Lewis
W. O. Bach	D. E. Edwards	T. R. Moore
A. J. Baldridge	J. O. Evans	Caleb Page
J. H. Baughman	D. W. Fowler	Smith Park
W. B. Belknap	R. E. Glenn	J. J. Patterson
T. H. Benton	Whitsett Hall	Jas. J. Peters
Shaler Berry	J. F. Harrison	H. A. Pulliam
C. H. Berryman	Goebel B. Henson	Frank L. Strange
W. P. Bowman	H. B. Holland	Mac Swinford
F. W. Bryant	Ira L. Horne	J. L. Valandingham
Fred H. Coots	J. C. Hutcherson	Chiles Van Antwerp
C. L. Daly	Grover C. Johnson	C. D. Vincent
Mormon B. Daniel	W. W. Johnson	W. S. Wallen

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Those who voted in the negative were—

Wm. J. Arvin	C. W. Hawkins	L. P. Murphy
L. D. Bax	J. M. Hayse	Chas. N. McCarty
D. F. Brown	H. M. Holbrook	J. L. McDavid
Geo. A. Brown	S. K. Holland	W. J. McGill
J. R. Buckman	E. M. Johnson	F. T. Nichols
W. G. Buckner	D. C. Jones	Geo. W. Potter
S. J. Bunger	Mrs. H. G. Jorris	W. H. Pryor
W. A. Carson	J. R. Kelly	Clint Raymer
C. B. Carver	Oscar Leibson	Philip J. Ryan
Lee Clark	W. W. Leslie	C. W. Ryans
J. D. Cox	Joe Martin	Chas. L. Seale
J. S. Cruse	Shelby Martin	M. G. Slusher
W. J. Curtis	A. M. Mercer	W. R. Smith
J. L. Cushing	H. J. Meyers	E. J. Snyder
James M. Durham	H. H. Miller	T. B. Watts
F. A. Gnau	J. S. Milliken	
Lawrence Harmon	B. T. Morris	

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The following pair was announced, viz.:

Mr. Keller and Mr. Rogers.

Mr. Rogers, if voting, would vote in the affirmative, and Mr. Keller, if present and voting, would vote in the negative.

Mr. Meyers moved that the vote by which said bill was rejected, be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Strange moved that the session of to-day be extended indefinitely.

Said motion was agreed to.

Mr. Meyers moved that when this House adjourn to-day, it adjourn to meet again on Monday, February 15, at one o'clock p. m.

Said motion was agreed to.

Mr. Meyers moved that the vote by which the House agreed that when it adjourned to-day it be to meet again on Monday, February 15, at one o'clock, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Meyers moved that a bill entitled:

H. B. 292. An Act relating to the recording of deeds and mortgages, securing indebtedness, and requiring that every such instrument shall disclose the maturity of the principal of such indebtedness, and imposing penalties,

Which was reported on yesterday by the Committee on Kentucky Statutes, with the expression of opinion that it ought not to pass,

Be reconsidered.

Said motion was agreed to.

Mr. Meyers moved that said bill be recommitted to the Committee on Kentucky Statutes.

Said motion was agreed to.

Mr. Milliken offered the following resolution, viz.:

Be it Resolved, by the House of Representatives, That there is hereby appropriated out of the State Treasury, out of any funds in the Treasury not otherwise appropriated, the following amounts and for the following members of this House to cover the expenses of said members in the discharge of their respective duties in attending the funeral of the wife of the Hon. T. H. King, Representative from Caldwell County, in accordance with a resolution heretofore adopted by this House, viz.:

C. D. Vincent	$22.07
R. E. Glenn	22.32
J. J. Patterson	19.92
S. K. Holland	25.00
T. H. Benton	22.50
Lee Clark	22.50
G. L. Drury	20.50

The Auditor of Public Accounts is hereby directed to draw his warrants upon the Treasurer in favor of the persons and for the amounts above named, upon certification of this resolution to the Auditor of Public Accounts by the Chief Clerk of this House.

Said resolution was adopted.

The House took up for consideration from the Clerk's desk, the following resolutions, viz.:

S. Res. 17. Resolution adopting the Kentucky Cardinal as the official State Bird.

Said resolution is as follows, viz.:

Resolved by the Senate of Kentucky, the House of Representatives concurring:

It being common knowledge that various states have by proper Resolutions selected a Native Bird of such state to be known as the "Official Bird,"

Resolved, That the Senate of Kentucky, the House of Representatives concurring, have selected the Native Red Bird commonly known as the Kentucky Cardinal (Cardinalis) to be the official State Bird of the State of Kentucky.

Said resolution was adopted.

The House took up for consideration from the Clerk's desk, the following resolution, viz.:

S. Res. 18. Resolution on the death of W. L. Mapother.

Said Resolution is as follows, viz.:

Resolved by the Senate of Kentucky, the House of Representatives concurring:

That the General Assembly has heard with profound regret of the death of Wible L. Mapother, President of the Louisville and Nashville Railroad System, and one of the most prominent and valuable citizens of the Commonwealth. Entering the employ of that corporation when a mere boy as filing clerk in the president's office, he climbed his way up through successive steps to the office of Vice President and Assistant to the President, the late Milton H. Smith, one of the great Railroad builders of the country and upon his death, to the head of the system. Ascending from Filing Clerk to

the Vice Presidency when only thirty-two years of age, and to the Presidency at forty-nine, beside serving as Regional Director of Railroads during the World's War, and dying when fifty-three years of age, marks his career as one of the most remarkable in the history of the State of which he was a native son. In his death, the State has lost a worthy public spirited citizen and a man of great constructive and executive ability; the railroad world one of its most conspicuous figures; his wife, a devoted husband, and his wide circle of friends, a delightful associate and companion.

Said resolution was adopted.

Mr. Milliken moved that an indefinite leave of absence be granted to Mr. Swearengin.

Said motion was agreed to.

Mr. Jones moved that he be permitted to offer a substitute for a bill entitled:

H. B. 164. An Act relating to rotating system of circuit judges.

And that said substitute for said bill be ordered printed.

Said motion was agreed to.

Ordered that the substitute above referred to be printed.

By unanimous consent of the House, Mr. Meyers introduced a bill of the following title, viz.:

H. B. 457. An Act relating to revenue and taxation; providing a license or excise tax on the business or occupation of manufacturing distilled spirits, known as whiskey or brandy, or other species of such double stamp spirits in this state, and of the business or occupation of a warehouseman

storing such distilled spirits; providing for the distribution of said fund; providing penalties for the violation of its provisions; repealing Chapter 5 of the Acts of the General Assembly of 1917, enacting in lieu thereof the following act and declaring an emergency to exist.

Which was ordered printed and referred to Committee on Revenue and Taxation No. 1.

Mr. Cushing moved that the Rules be suspended and that inshed business of yesterday under this order be completed. the call of Standing Committees, beginning with the unfin-

Said motion was agreed to.

The Committee to which same had been referred, reported bills of the following titles, viz.:

By Mr. Clark of the Committee on Insurance, Fire and Marine:

H. B. 138. An Act relating generally to insurance companies, other than life, and their agents, prescribing the powers and duties of the Insurance Commissioner in respect to statements from companies and applicants for agencies and in ascertaining the qualifications of agents and the issual of license to them; preventing rebating and discrimination and the division of commissions by agents; defining certain conditions that agents shall not violate, and property that they shall not insure; prescribing what corporations may act as insurance agents; prohibiting evasions of law by agents; prescribing what agents shall keep an office in this state and agents that shall be residents of this state; and repealing all laws and parts thereof in conflict with this Act.

With an amendment thereto by way of substitute therefor.

Without an expression of opinion.

By Mr. Potter of the Committee on Motor Transportation:

H. B. 190. An Act to repeal, amend and re-enact Chapter 81 of the Acts of the General Assembly of 1924 entitled "An Act providing for additional supervision and regulation of the transportation of persons for compensation over public highways by motor propelled vehicles; defining automobile transportation companies; providing for additional supervision and regulation thereof by the State Highway Commission or its successors; providing for the assessment and collection of fees and taxes thereon and providing for the enforcement of the provisions of the Act and punishment for violation thereof." Providing for the appointment, qualification, term of office and compensation of motor transportation commissioner and his assistants; providing for the supervision and regulation of motor transportation of persons for hire over the public highways of Kentucky; providing for additional revenue for the enforcement of the provisions of this Act; punishment and violation thereof; for the examination and qualification of drivers of motor vehicles over the highways; fixing a fee for said drivers; providing for the regulation of fares, schedules, routes of motor vehicles; for procedure in the enforcement of the act; appeals from the decisions of the Commissioner and for penalties for the violations of the act.

With an amendment thereto by way of substitute therefor.

H. B. 206. An Act to amend and re-enact sections 2739g-14 and 2739g-58 of Carroll's Kentucky Statutes, 1922 Edition, relating to motor vehicles; to protect the owners thereof; and providing for penalties for violations of said Act.

H. B. 207. An Act to provide for, and to authorize the refund and repayment of motor vehicle license fees, when such motor vehicle has been burnt, junked, stolen or otherwise made useless to the owner thereof, or sold out of the state.

By Mr. Van Antwerp of the Committee on Normal Schools:

H. B. 331. An Act relating to State Normal Schools and Teachers' Colleges; providing for the granting of teachers' certificates upon credentials; empowering Boards of Regents of State Normal Schools to confer certificates and degrees; repealing, amending and re-enacting Subsection (g), Chapter 55 and section 10, of Chapter 60 of the Acts of the General Assembly.

By Mr. Ryan of the Committee on Kentucky Statutes:

H. B. 215. An Act to amend section 1159 of Kentucky Statutes, Carroll's 1915 Edition, relating to burglary and robbery.

H. B. 227. An Act to create a central purchasing agency for the Commonwealth of Kentucky, providing for a State Purchasing Commission to administer the same, for its expenses, including the salary of its chairman, defining its powers and duties, its mode of procedure, governing its members in relation to their official duties as such and the manner of their appointment, and fixing the venue of actions for or against the Commission or members thereof.

H. B. 310. An Act to authorize the Governor to appoint a Commissioner of Pardons.

By Mr. Edwards of the Committee on Public Bridges and Ferries:

H. B. 249. An Act providing for additional supervision and regulation of the transportation of persons, for compensation over public bridges and ferries on the State maintained highways or Primary Road System of the Commonwealth; defining "bridge companies" and "ferry companies;" defining "toll bridges" and "toll ferries;" providing for control of operation and fixing of rates over such bridges and ferries by the State Highway Commission or its successors; providing for the licensing and collecting of fees from such bridge companies and ferry companies and further providing for the enforcement of the provisions of this act and punishment of the violations thereof.

With an amendment thereto by way of substitute therefor.

By Mr. Bax of the Committee on Railroads:

H. B. 232. An Act to amend subdivision 111, Section 822, Kentucky Statutes, Railroad Commission.

By Mr. Dorman of the Committee on Roads and Highways No. 1:

H. B. 403. An Act authorizing a State Bond Issue for Roads.

By Mr. Wallen of the Committee on Appropriations No. 2:

H. B. 414. An Act making an appropriation for the purchase of 15 acres of land adjoining the burial place of President Zachary Taylor in Jefferson County, Kentucky.

With the expression of opinion that said bills ought to pass.

Said bills were severally read the first time at length and ordered to be placed on the Calendar.

Mr. Strange moved that the rules be suspended and that the House take up for immediate consideration from the Orders of the Day, a bill entitled:

H. B. 393. An Act to assist disabled United Spanish War Veterans and their dependents in obtaining from the Federal Government the relief authorized by Acts of Congress and creating for that purpose a voluntary Commission and providing for its office expenses and the salary of the secretary.

Said motion was agreed to.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby created a voluntary commission to be known as the "United Spanish War Veterans' Commission of Kentucky," and which shall be continued in existence for the period of two years after its passage and approval of this act. The purpose of the commission shall be to assist disabled United Spanish War veterans who are or may hereafter be entitled to aid from the United States Government by virtue of federal laws for the benefit of disabled soldiers and war veterans and to assist in preparing and presenting their respective claims to the proper federal agencies and authorities and to secure and expedite action thereon.

§ 2. The United Spanish War Veterans' Commission of Kentucky shall, during the time for which its existence is continued by Section 1 of this Act, be composed of three members, one of whom shall be present Department Commander of the United Spanish War Veterans of Kentucky, another shall be the predecessor in office to the present Department Commander of the United Spanish War Veterans, and the third member shall be the senior Vice-Commander of the United Spanish War Veterans of Kentucky. The members of said board shall serve voluntarily and without compensation.

§ 3. The provisions of this act shall apply only to the United Spanish War Veterans of Kentucky.

§ 4. The commission shall elect a Secretary whose duty it shall be to prepare in proper form, present and prosecute claims of all United Spanish War Veterans before the proper federal authorities and to secure and expedite action on said claims. The Secretary shall be paid a salary of Eighteen Hundred Dollars ($1,800.00) per annum.

§ 5. For the purpose of carrying out the provisions of this act there is hereby apropriated out of the general funds of the State Treasury, not otherwise appropriated, to the War Veterans' Commission of Kentucky, the sum of Three Thousand Dollars ($3,000.00) per annum for the period of two years, Eighteen Hundred Dollars ($1,800.00) of which shall be devoted to the payment of the salary of the Secretary as provided in Section 4 of this Act, and Twelve Hundred Dollars ($1,200.00) shall be devoted to office and traveling expenses of the commission or the Secretary thereof. Said appropriation shall be paid in the same manner as now provided by law in the case of other state agencies, and all papers, books and disbursements shall be subject to examination by a State Inspector and Examiner. If there be any unused surplus at the expiration of the period for which said commission is created the same shall be returned to the general fund of the State Treasury.

§ 6. To promptly effectuate the purposes of this Act an emergency is hereby declared to exist and this Act shall take effect from and after its passage and approval of the Governor.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	J. R. Dorman	Leon P. Lewis
W. B. Ardery	E. J. Doss	J. L. Manning
Wm. J. Arvin	James M. Durham	Joe Martin
W. O. Bach	D. E. Edwards	Shelby Martin
A. J. Baldridge	J. O. Evans	H. J. Meyers
L. D. Bax	D. W. Fowler	H. H. Miller
T. H. Benton	R. E. Glenn	J. S. Milliken
Shaler Berry	F. A. Gnau	T. R. Moore
C. H. Berryman	Whitsett Hall	B. T. Morris
W. P. Bowman	Lawrence Harmon	L. P. Murphy
D. F. Brown	J. F. Harrison	J. L. McDavid
Geo. A. Brown	C. W. Hawkins	W. J. McGill
F. W. Bryant	J. M. Hayse	F. T. Nichols
J. R. Buckman	Goebel B. Henson	Caleb Page
S. J. Bunger	H. M. Holbrook	J. J. Patterson
W. A. Carson	H. B. Holland	Geo. W. Potter
C. B. Carver	S. K. Holland	W. H. Pryor
Lee Clark	Ira L. Horne	R. R. Rogers
W. E. Clark	J. C. Hutcherson	C. W. Ryans
Lonnie Cooper	Grover C. Johnson	Chas. L. Seale
Fred H. Coots	W. W. Johnson	E. J. Snyder
J. D. Cox	D. C. Jones	Frank L. Strange
J. S. Cruse	Mrs. H. G. Jorris	Mac Swinford
W. J. Curtis	J. R. Kelly	J. L. Valandingham
J. L. Cushing	Thos. H. King	C. D. Vincent
C. L. Daly	Oscar Leibson	W. S. Wallen
Mormon B. Daniel	W. W. Leslie	T. B. Watts

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Resolved that the title thereof be as aforesaid.

Mr. Strange moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Cruse moved that the rules be suspended and that the House take up for immediate consideration from the Orders of the Day, a bill entitled:

H. B. 91. An Act to amend and re-enact Section 4821 of Carroll's Kentucky Statutes, 1922 Edition, relating to weights and measures.

Said motion was agreed to.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section four thousand eight hundred and twenty-one of Carroll's Kentucky Statutes, one thousand nine hundred and twenty-two Edition, relating to weights and measures, be and the same is hereby amended and re-enacted so that when amended and re-enacted it shall read as follows, to-wit:

The following weights shall constitute a bushel of the article named respectively:

Wheat, sixty pounds.

Shelled corn, fifty-six pounds.

Corn in ear, seventy pounds from the first day of November to the first day of January, following, and from first day of January to first day of November, following, sixty-eight pounds.

Rye, fifty-six pounds.

Oats, shelled, thirty-two pounds.

Barley, forty-seven pounds.

Irish potatoes, sixty pounds.

Sweet potatoes, fifty-five pounds.

White beans, sixty pounds.

Castor beans, forty-five pounds.

Clover seed, sixty pounds.

Timothy seed, forty-five pounds.

Flax seed, fifty-six pounds.

Millet seed, fifty pounds.

Peas, sixty pounds.

Bluegrass seed, fourteen pounds.

Buckwheat, fifty-six pounds.

Dried apples, twenty-four pounds.
Dried peaches, thirty-nine pounds.
Onions, fifty-seven pounds.
Bottom onion sets, thirty-six pounds.
Salt, fifty pounds.
Stone coal, seventy-six pounds.
The term coal includes anthracite, cannel, bituminous and other mined coal.
Bran, twenty pounds.
Plastering hair, eight pounds.
Turnips, sixty pounds.
Unslaked lime, thirty-five pounds.
Corn meal, fifty pounds.
Fine salt, fifty-five pounds.
Hungarian grass seed, fifty pounds.
Ground peas, twenty-four pounds.
Orchard grass seed, fourteen pounds.
English bluegrass seed, fourteen pounds.
Hemp seed, forty-four pounds.

§ 2. All laws in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	L. D. Bax	D. F. Brown
W. B. Ardery	J. H. Baughman	Geo. A. Brown
Wm. J. Arvin	T. H. Benton	F. W. Bryant
W. O. Bach	Shaler Berry	J. R. Buckman
A. J. Baldridge	W. P. Bowman	S. J. Bunger

W. A. Carson
C. B. Carver
W. E. Clark
Fred H. Coots
J. D. Cox
J. S. Cruse
W. J. Curtis
Mormon B. Daniel
E. J. Doss
James M. Durham
D. E. Edwards
D. W. Fowler
F. A. Gnau
Whitsett Hall
Lawrence Harmon
C. W. Hawkins
J. M. Hayse
H. M. Holbrock
H. B. Holland
S. K. Holland
Ira L. Horne
J. C. Hutcherson
Grover C. Johnson
W. W. Johnson
D. C. Jones
Mrs. H. G. Jorris
J. R. Kelly
Thos. H. King
W. W. Leslie
Leon P. Lewis
J. L. Manning
Shelby Martin
H. J. Meyers
H. H. Miller
J. S. Milliken
T. R. Moore
B. T. Morris
L. P. Murphy
J. L. McDavid
W. J. McGill
F. T. Nichols
Caleb Page
J. J. Patterson
Jas. J. Peters
Geo. W. Potter
W. H. Pryor
R. R. Rogers
C. W. Ryans
Chas. L. Seale
M. G. Slusher
W. R. Smith
E. J. Snyder
Frank L. Strange
Mac Swinford
Chiles Van Antwerp
C. D. Vincent
W. S. Wallen
T. B. Watts

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Resolved that the title thereof be as aforesaid.

Mr. Cruse moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Cushing moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

MONDAY, FEBRUARY 15, 1926.

The House was opened with prayer by the Reverend W. P. Fryman of the Methodist Episcopal Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

Lewis Allen	James M. Durham	J. S. Milliken
W. B. Ardery	D. E. Edwards	T. R. Moore
Wm. J. Arvin	J. O. Evans	B. T. Morris
A. J. Baldridge	D. W. Fowler	L. P. Murphy
J. H. Baughman	Otto C. Gartin	Chas. N. McCarty
T. H. Benton	R. E. Glenn	J. L. McDavid
Shaler Berry	F. A. Gnau	W. J. McGill
W. P. Bowman	Whitsett Hall	Caleb Page
D. F. Brown	Lawrence Harmon	Smith Park
Geo. A. Brown	J. F. Harrison	J. J. Patterson
F. W. Bryant	C. W. Hawkins	Jas. J. Peters
J. R. Buckman	H. M. Holbrook	Geo. W. Potter
W. G. Buckner	H. B. Holland	W. H. Pryor
S. J. Bunger	S. K. Holland	H. A. Pulliam
W. A. Carson	J. C. Hutcherson	R. R. Rogers
C. B. Carver	E. M. Johnson	C. W. Ryans
Lee Clark	Grover C. Johnson	Chas. L. Seale
W. E. Clark	W. W. Johnson	M. G. Slusher
Lonnie Cooper	Mrs. H. G. Jorris	W. R. Smith
Fred H. Coots	J. R. Kelly	E. J. Snyder
J. D. Cox	Thos. H. King	Frank L. Strange
J. S. Cruse	Oscar Leibson	Mac Swinford
J. L. Cushing	W. W. Leslie	J. L. Valandingham
C. L. Daly	Leon P. Lewis	Chiles Van Antwerp
Mormon B. Daniel	J. L. Manning	C. D. Vincent
J. R. Dorman	Joe Martin	W. S. Wallen
E. J. Doss	H. H. Miller	T. B. Watts

The reading of the Journal of yesterday's proceedings was dispensed with.

Ordered that an indefinite leave of absence be granted to Mr. Back.

Mr. Lewis moved that an indefinite leave of absence be granted to Mr. Bax.

Said motion was agreed to.

Mr. Lewis offered the following resolution, viz.:

Again death has invaded the home of one of the Representatives of this General Assembly, when our honored colleague, L. D. Bax, lost his son, Walter L. Bax, on February 12, 1926;

Therefore, Be It Resolved by the House of Representatives that its membership express to the bereaved family our heartfelt sympathy in their loss, and,

Be It Further Resolved, That when this House adjourn today it do so out of respect to the memory of Walter L. Bax;

Be It Further Resolved, That a copy of these resolutions be sent by the Clerk of this House to Honorable L. D. Bax, member from the Fifty-third Legislative District.

Said resolution was adopted.

Mr. Cushing moved that the privileges of the floor be extended to the Hon. J. W. Cammack, former member of this House.

Said motion was agreed to.

Mr. Wallen moved that a leave of absence be granted to Mr. Swearengin.

Said motion was agreed to.

Mr. Baldridge moved that a leave of absence be granted to Mr. Horne.

Said motion was agreed to.

Upon a call of the Counties and Legislative Districts, the following bills were introduced, ordered printed and referred as follows, viz.:

By Mr. Slusher:

H. B. 458. An Act to establish a new Primary Road Project beginning at the juncture of the left and right forks of Straight Creek, in Bell County, Kentucky, thence up the right fork via Kettle Island to a point in State Project No. 110.

To Committee on Roads and Highways No. 2.

By Mr. King:

H. B. 459. An Act to establish as a part of the primary system of state highways a road from Eddyville, Lyon County, to a point known as Elkhorn Tavern on the Princeton and Marion highway now complete.

To Committee on Roads and Highways No. 2.

By Mr. Berry:

H. B. 460. An Act to repeal Chapter 45 of the Acts of 1920, being an Act to authorize consolidated school districts and county boards of education to issue bonds; and Section 4100, 4101, 4420a-2, and 4420a-3 of Kentucky Statutes; and Section 4484 in Chapter 8 of the Acts of 1922; and Sections 4431, 4432, 4426a-3, 4426a-5, 4426a-6, 4426a-9, 4458, 4459, 4460, 4461, 4462, and 4463b of Kentucky Statutes, and Section 5 of Chapter 138 of the Acts of 1918; and to provide more adequately for the establishment of consolidated school subdistricts, the change of boundaries of districts and subdistricts, the levy, collection and expenditure of school taxes, and the issue and sale of bonds for school purposes in common school districts and subdistricts.

To Committee on Education No. 2.

By Mr. Bryant:

H. B. 461. An Act to amend, and re-enact Section 2 of Chapter 18 of the Acts of the General Assembly of 1924, making it mandatory for the fiscal court to extend relief to the needy blind.

To Committee on Charitable Institutions.

By same:

H. B. 462. An Act authorizing a change of venue in criminal cases when too numerous to be tried where pending.

To Committee on Criminal Law.

By Mr. Wallen:

H. B. 463. An Act empowering any corporation, authorized by law to build, construct or maintain toll bridges, to acquire land and other property or material by contract, purchase, by condemnation proceedings or otherwise.

To Committee on Roads and Highways No. 1.

By same:

H. B. 464. An Act to amend and re-enact Subsection 1 of section 950 of Kentucky Statutes, relating to the jurisdiction of the Court of Appeals in civil cases.

To Committee on Court of Appeals.

By Mr. Watts:

H. B. 465. An Act providing for the creation and establishment of a State Board of Registration for Engineers and Land Surveyors, granting certain powers to and prescrib-

ing the duties of said board; providing for examination and registration of engineers and land surveyors and providing penalties for violation of the provisions of this act.

To Committee on Kentucky Statutes.

By Mr. Ryans:

H. B. 466. An Act increasing and fixing the salary of district detective to the Commonwealth's Attorney, and supervisor of parents, in counties in this Commonwealth containing a population of more than two hundred thousand.

To Committee on Municipalities.

By Mr. D. F. Brown:

H. B. 467. An Act to establish a new State Primary Road Project, beginning at London, County seat of Laurel County, and extending by way of Maplesville and McWhorter to Burning Springs on State Project No. 30 and to be known as State Primary Roads Project No. —.

To Committee on Roads and Highways No. 2.

By Mr. Park:

H. B. 468. An Act to amend section 687 of the Kentucky Statutes, Carroll's Edition of 1922.

To Committee on Insurance, Fire and Marine.

By same:

H. B. 469. An Act to amend section 691 of the Kentucky Statutes, Carroll's Edition of 1918 relating to the filing of annual statements by Insurance Companies other than Life.

To Committee on Insurance, Fire and Marine.

By Mr. Strange:

H. B. 470. An Act to amend section 1321 Kentucky Statutes, Carroll's 1922 Edition.

To Committee on Cities of 2nd and 3rd Classes.

By Mr. Allen:

H. B. 471. An Act to amend and re-enact Section 4399a-1c, being section 1c of chapter 39 of the Acts of 1922, as amended by section 1 of Chapter 52 of the Acts of 1924, relating to county Boards of Education and filling of vacancies therein.

To Committee on Education No. 1.

By Mr. Holbrook:

H. B. 472. An Act concerning conditional sales and to make uniform the law relating thereto.

To Committee on Kentucky Statutes.

By same:

H. B. 473. An Act to establish a new State Primary Road Project beginning in State Project No. 4 at Jeff, Perry County, up the Kentucky River and Rockhouse Creek to an intersection with State Project No. — west of Isom in Letcher County.

To Committee on Roads and Highways No. 2.

By same:

H. B. 474. An Act to establish a new State Primary Roads Project from Flat Gap in Letcher County by way of Eolia to a point in State Project No. 6 on the south side of Pine Mountain.

To Committee on Roads and Highways No. 2.

By Mr. Milliken:

H. B. 475. An Act providing for the working of prisoners confined in the prisons of the State on state highways and bridges, constructed or maintained by the State Highway Commission; providing for the care, supervision, guarding, maintenance, transportation and housing of such prisoners while so engaged and for the cost and expense thereof; providing for compensation to such prisoners and their dependent families; and authorizing the State Board of Charities and Corrections to lease or purchase farm lands for the working of convicts or inmates thereon, when funds are available and have been appropriated by the Legislature therefor; and repealing Chapter 34 of the Acts of the General Assembly of 1922.

To Committee on Charitable Institutions.

By same:

H. B. 476. An Act to provide for the designation of Special Judges to preside over the circuit courts of this Commonwealth, by the Chief Justice upon a commission to be issued by the Governor, fixing their compensation and expenses, defining the conditions under which they may be appointed and the jurisdiction which they may exercise, and providing for the designation of special judges by agreement and fixing their compensation.

To Committee on Circuit Courts.

By Mr. McCarty:

H. B. 477. An Act for the benefit of Minnie Gruelle, whose husband G. C. Gruelle, lost his life while engaged in the performance of a public service, leaving the said Minnie Gruelle as his widow, and for the benefit of the three surviving infant children of G. C. Gruelle, and his said wife Minnie.

To Committee on Claims.

By Mr. Leslie:

H. B. 478. An Act making incurable insanity a ground for divorce.

To Committee on Kentucky Statutes.

Mr. H. B. Holland of the Committee on Enrollments reported that they had examined and found to be correctly enrolled a bill of the following title, viz.:

S. B. 64. An Act to assist disabled ex-service men and women of the World War in obtaining from the federal Government the relief authorized by Congress, continuing the Kentucky Disabled Ex-service Men's Board and appropriating funds therefor.

Thereupon all other business was suspended and said bill was read at length and compared in open session and found to be correctly enrolled.

Thereupon the Speaker, in open session and in the presence of the House affixed his signature thereto.

Ordered that said bill be delivered to the Enrolling Clerk of the Senate.

The Committees to which same had been referred, reported bills of the following titles, viz.:

By Mr. Morris of the Committee on Circuit Court:

H. B. 339. An Act to amend Section 965, Kentucky Statutes, 6th Edition, 1922, changing the time of holding court in the 20th Judicial District of Kentucky, composed of Greenup and Lewis counties and fixing the time therefor, relating to circuit courts, and declaring an emergency.

S. B. 52. An Act relating to the holding of Circuit Courts in counties having therein cities of the third class or having therein portions of cities of a 3rd class.

H. B. 328. An Act to repeal and re-enact Section 130 of the Kentucky Statutes, 1915 Edition, relating to the duties of County Attorneys so as to make the provisions thereof applicable to Commonwealth's Attorneys and to provide for a forfeiture of all per centums of such judgments in the event of a failure to perform the duties so required.

H. B. 400. An Act to amend an Act of the General Assembly of the 1924 session, relating to holding courts and changing the time of holding court in the Thirty-Seventh Judicial District.

S. B. 95. An Act to change the time of holding courts in 24th Judicial District.

H. B. 371. An Act limiting the amount to be paid monthly and yearly to a county attorney of any county and to a commonwealth's attorney of any judicial district from a per centum of fines and forfeitures collected and paid into the State treasury to which such officials are entitled.

Without an expression of opinion.

By Mr. Hawkins of the Committee on Cities of the Fourth Class:

H. B. 220. An Act to provide for an appeal from the action of the Board of Supervisors of taxes in cities of the fourth class.

By Mr. Doss of the Committee on Claims:

S. B. 96. An Act authorizing the Clark County Construction Co. to sue the Commonwealth.

By Mr. Gnau of the Committee on Compensation for Industrial Injuries:

H. B. 316. An Act to amend Sections 4, 12, 16 and 18 of Chapter 33 of the Acts of the General Assembly of Kentucky of 1916 entitled "An Act to provide an elective system of workmen's compensation for industrial accidents," and the same act amended by Chapter 176 of the Acts of the General Assembly of Kentucky for the year 1918, and the same Act as amended by Chapter 37 of the Acts of the General Assembly of Kentucky for the year 1920, and the same Act as amended by Chapter 50 of the Acts of the General Assembly of Kentucky for the year 1922, and the same Act as amended by Chapter 70 of the Acts of the General Assembly for the year 1924, said sections to be amended are 4883, 4893, 4897 and 4899, Carroll's Statutes of Kentucky.

With amendments thereto as offered by the Committee.

H. B. 226. An Act to amend Section 4881, Carroll's Kentucky Statutes, being a part of the Act commonly known as the Workmen's Compensation Act, and making the provisions of said Act apply to the employees of the State Government.

With an amendment thereto by way of substitute therefor.

By Mr. Milliken of the Committee on Revenue and Taxation No. 1:

H. B. 60. An Act to amend Chapter 120, of the 1924 Acts of the General Assembly of the Commonwealth of Kentucky by adding thereto Section 1A relating to revenue and taxation and providing for the purchase of tax free gasoline, for use as an ingredient in manufacturing.

With an amendment thereto by way of substitute therefor.

By Mr. Pulliam of the Committee on Education No. 2:

H. B. 390. An Act amending Section 4399a-9 Carroll's Edition, Kentucky Statutes, relating to the Setlement of the Treasurer of the County Board of Education.

With the expression of opinion that said bills ought to pass.

Said bills were severally read at length the first time and ordered to be placed on the Calendar.

Ordered that the substitute amendments for H. B. 226 and H. B. 60 be printed.

The Committees to which same had been referred, reported bills of the following titles, viz.:

By Mr. Swinford of the Committee on Codes of Practice:

H. B. 24. An Act to repeal and re-enact Subsection 6 of Section 317, Civil Code of Practice, Carroll's Code, Sixth Edition, 1919.

H. B. 25. An Act to repeal and re-enact Section 227, Carroll's Criminal Code of Practice, Sixth Edition, 1919.

By Mr. Morris of the Committee on Circuit Courts:

H. B. 345. An Act to repeal and re-enact Section 2286 the Kentucky Statutes, 1915 Edition, relating to certain duties

of the trustees of the jury fund and imposing a penalty for failure to perform such duties.

H. B. 346. An Act to repeal and re-enact Section 2286 of the Kentucky Statutes, 1915 Edition, relating to the duties of the trustees of the jury fund and clerks of all courts having jurisdiction to impose fines in favor of the Commonwealth so as to impose a penalty upon the officer failing to discharge the duty required in such section.

H. B. 381. An Act requiring county judges, police judges, justices of the peace, and clerks of the circuit courts to keep a record book in which all judgments, civil and criminal, shall be entered and cross indexed, and imposing penalties for failure so to do.

H. B. 379. An Act limiting the amount to be paid to a county attorney and a county attorney pro tem for any county to $5,000.00 per year and providing the manner and method for the payment of the per centum of fines and forfeitures out of the State treasury and fixing liability on the Auditor for any overpayment to such officer or officers.

H. B. 380. An Act to repeal and re-enact Section 378 of the Kentucky Statutes, 1915 Edition, relating to the duties of clerks of courts so as to make same applicable to county judges, police judges and justices of the peace, and to provide for the signing of the order of final adjournment.

By Mr Cox of the Committee on Electric Utilities:

H. B. 5. An Act relating to public utilities and amending Section 201 E, Kentucky Statutes, 1922 Carroll's Edition.

With the expression of opinion that said bills ought not to pass.

No further action having been taken by the House in regard to said bills and no motion having been made to advance said bills to a reading, the report of the Committee to the contrary notwithstanding, it was ordered that said bills be not read the first time at length, and so said bills were rejected.

The House took up for consideration from the Calendar, bills of the following titles, viz.:

H. B. 246. An Act to amend and re-enact Sections 1377, 1378, 1379-1, 1379-8 and 1389, Kentucky Statutes, 1922 Edition, all relating to prisoners and punishment thereof, hard labor, fixing duties of county judge in reference thereto, and providing penalties for violation of such duties.

H. B. 327. An Act to amend and re-enact Sections 3618 and 3619 of the Kentucky Statutes, Carroll's Edition, regulating the election and tenure of officers for cities of the fifth class.

H. B. 341. An Act to repeal and re-enact Sec. 4243 of the Kentucky Statutes, 1915 Edition, relating to records to be kept by the clerk of the circuit and county courts and the trustees of the jury fund so as to make same applicable to county judges, police judges, and justices of the peace of the Commonwealth.

H. B. 333. An Act to amend section 1845, Kentucky Statutes, relating to compensation of members of Fiscal Court.

S. B. 42. An Act to amend and re-enact Sections 1055 of the Kentucky Statutes, (Carroll's 1915) providing for the record books of the judge of the quarterly court and said quarterly court; providing for the appointment of the clerk and deputies of said court, their compensation and the disposition of fees from said court, with certain provisions re-

garding same, applicable only to counties having a population of one hundred and fifty thousand (150,000) or more.

H. B. 258. An Act to repeal and re-enact Chapter 60, Acts of General Assembly 1906, same relating to publication of financial reports by Fiscal Courts.

H. B. 266. An Act to repeal and re-enact Sec. 273 of the Criminal Code of Practice, sixth Edition, 1919, edited by John D. Carroll, relating to motion and grounds for new trial.

H. B. 287. An Act to amend and re-enact Subsection 2 of 552 of the Civil Code of Practice, relating to the mode of taking testimony.

H. B. 286. An Act to repeal section 258 of the Code of Criminal Practice and sections 1136 and 1377 of the Kentucky Statutes and to authorize courts having criminal jurisdiction to fix penalties for violations of the criminal laws in all cases where not fixed by statutes.

H. B. 218. An Act to provide the same length of term for white and colored schools in the same districts, repealing, amending and re-enacting section 4484 in Chapter 8 of the Acts of the General Assembly of 1922 and Section 18 of Chapter 14 of the Acts of the General Assembly of 1920, same being sections 118 and 401 of Senate Bill No. 28 in the present session of this General Assembly.

H. B. 21. An Act for the protection and conservation of game, fish and fur-bearing animals.

With Committee amendments thereto.

H. B. 138. An Act relating generally to insurance companies, other than life, and their agents, prescribing the powers and duties of the Insurance Commissioner in respect

to statements from companies and applicants for agencies and in ascertaining the qualifications of agents and the issual of license to them; preventing rebating and discrimination and the division of commissions by agents; defining certain conditions that agents shall not violate, and property that they shall not insure; prescribing what corporations may act as insurance agents; prohibiting evasions of law by agents; prescribing what agents shall keep an office in this state and agents that shall be residents of this state; and repealing all laws and parts thereof in conflict with this Act.

With an amendment thereto by way of substitute therefor.

H. B. 190. An Act to repeal, amend and re-enact Chapter 81 of the Acts of the General Assembly of 1924 entitled "An Act providing for additional supervision and regulation of the transportation of persons for compensation over public highways by motor propelled vehicles; defining automobile transportation companies; providing for additional supervision and regulation thereof by the State Highway Commission or its successors; providing for the assessment and collection of fees and taxes thereon and providing for the enforcement of the provisions of this Act and punishment for violations thereof." Providing for the appointment, qualification, term of office and compensation of motor transportation commissioner and his assistants; providing for the supervision and regulation of motor transportation of persons for hire over the public highways of Kentucky; providing for additional revenue for the enforcement of the provisions of this Act; punishment and violation thereof; for the examination and qualification of drivers of motor vehicles over the highways; fixing a fee for said drivers; providing for the regulation of fares, schedules, routes of motor vehicles; for procedure in the enforcement of the act; appeals from the decisions of the Commissioner and for penalties for the violations of the act.

With an amendment thereto by way of substitute therefor.

H. B. 206. An Act to amend and re-enact Section 2739g-14 and 2739g-58 of Carroll's Kentucky Statutes, 1922 Edition, relating to motor vehicles; to protect the owners thereof; and providing for penalties for violations of said Act.

H. B. 207. An Act to provide for, and to authorize the refund and repayment of motor vehicle license fees, when such motor vehicle has been burnt, junked, stolen or otherwise made useless to the owner thereof, or sold out of the state.

H. B. 331. An Act relating to State Normal Schools and Teachers' College; providing for the granting of teachers' certificates upon credentials; empowering Boards of Regents of State Normal Schools to confer certificates and degrees; repealing, amending and re-enacting Subsection (g), Chapter 55 and Section 10, of Chapter 60 of the Acts of the General Assembly.

H. B. 215. An Act to amend Section 1159 of Kentucky Statutes, Carroll's 1915 Edition, relating to burglary and robbery.

H. B. 227. An Act to create a central purchasing agency for the Commonwealth of Kentucky, providing for a State Purchasing Commission to administer the same, for its expenses, including the salary of its chairman, defining its powers and duties, its mode of procedure, governing its members in relation to their official duties as such and the manner of their appointment, and fixing the venue of actions for or against the Commission or members thereof.

H. B. 310. An Act to authorize the Governor to appoint a Commissioner of Pardons.

H. B. 249. An Act providing for additional supervision and regulation of the transportation of persons, for compensation over public bridges and ferries on the State maintained highways or Primary Road System of the Commonwealth; defining "bridge companies" and "ferry companies;" defining "toll bridges" and "toll ferries;" providing for control of operation and fixing of rates over such bridges and ferries by the State Highway Commission or its successors; providing for the licensing and collecting of fees from such bridge companies and ferry companies and further providing for the enforcement of the provisions thereof.

With an Amendment thereto by way of Substitute therefor.

H. B. 232. An Act to amend Subdivision III, Section 822, Kentucky Statutes, Railroad Commission.

H. B. 403. An Act authorizing a State Bond Issue for Roads.

H. B. 414. An Act making an appropriation for the purchase of 15 acres of land adjoining the burial place of President Zachary Taylor in Jefferson County, Kentucky.

Ordered that said bills be read the second time.

The Constitutional provisions as to the second reading of said bills at length being dispensed with, said bills were read the second time by their titles only.

Ordered that said bills be placed in the Orders of the Day.

A message was received from the Senate announcing that they had possed bills and a resolution of the following titles, viz.:

1. S. B. 19. An Act to require any driver of any vehicle on a public highway, on approaching railway and interurban

grade crossings, which have been designated as "unsafe" by the State Highway Commission, to stop, look and listen, before passing thereover, and to require Highway Commissioners to erect and maintain stop signs for such crossings; and to require railway and interurban companies to furnish and deliver said signs; and providing penalties for non-compliance to stop, look and listen.

2. S. B. 43. "An Act relating to the fiscal administration of counties; providing for a uniform budget system in each county of the Commonwealth of Kentucky, for the administration of the fiscal affairs of counties; prescribing the duties of the county judge, county court clerk, county treasurer, county attorney, and other officers with reference thereto; creating a county budget commission, and prescribing its duties; amending Sections 929, 934 of Kentucky Statutes, 1915, Carroll's Edition, as amended by Sections 929 and 934 of Chapter 153 of Acts of 1920 Session of the General Assembly of the Commonwealth of Kentucky, 935, and 1838, Kentucky Statutes, 1915, Carroll's Edition; and repealing Sections 938, Kentucky Statutes, 1915, Carroll's Edition and Section 1840A, Kentucky Statutes, 1915, Carroll's Edition; as amended by Section 1 of Chapter 67 of Acts of 1916; session of General Assembly of Commonwealth of Kentucky; providing for the compensation of county treasurer, and the designating by the fiscal court of depositories for county funds and the fixing of interest rates to be charged by the county, providing for publicity of public expenditures; and providing for penalties for the violation of any of the provisions of this Act."

3. S. B. 76. An Act to amend and re-enact Section 147 of the Constitution of the Commonwealth of Kentucky.

4. S. Res. 15. Resolution providing for the appointment of two Senators and three Representatives to constitute a Committee of the General Assembly of the Commonwealth of

Kentucky, to investigate the income, receipts and disbursements of the Covington & Cincinnati Bridge Company, a corporation.

Said bills and resolution were ordered to be printed and referred as follows, viz.:

1. To Committee on Railroads.

2. To Committee on Kentucky Statutes.

3. To Committee on Constitutional Amendments.

4. To Committee on Rules.

The hour of three o'clock P. M., having arrived, that being the hour under the Standing Rules of the House for the adjournment of the House on Mondays, the House stood adjourned.

TUESDAY, FEBRUARY 16, 1926.

The House was opened with prayer by the Reverend V. C. Merrell of the Presbyterian Church, South, of Frankfort.

The roll was called and the following members answered to their names, viz:

Those who voted in the affirmative were—

Lewis Allen	W. P. Bowman	Lee Clark
W. B. Ardery	D. F. Brown	W. E. Clark
Wm. J. Arvin	Geo. A. Brown	Fred H. Coots
W. O. Bach	F. W. Bryant	J. D. Cox
A. J. Baldridge	J. R. Buckman	J. S. Cruse
J. H. Baughman	W. G. Buckner	W. J. Curtis
L. D. Bax	S. J. Bunger	J. L. Cushing
T. H. Benton	W. A. Carson	C. L. Daly
Shaler Berry	C. B. Carver	Mormon B. Daniel

J. R. Dorman	W. O. Keller	J. J. Patterson
E. J. Doss	J. R. Kelly	Jas. J. Peters
James M. Durham	Thos. H. King	Geo. W. Potter
J. O. Evans	Oscar Leibson	W. H. Pryor
D. W. Fowler	W. W. Leslie	H. A. Pulliam
Otto C. Gartin	Leon P. Lewis	Clint Raymer
R. E. Glenn	Joe Martin	R. R. Rogers
F. A. Gnau	Shelby Martin	Philip J. Ryan
Whitsett Hall	A. M. Mercer	C. W. Ryans
J. F. Harrison	H. J. Meyers	Chas. L. Seale
C. W. Hawkins	H. H. Miller	M. G. Slusher
J. M. Hayse	J. S. Milliken	W. R. Smith
H. M. Holbrook	T. R. Moore	E. J. Snyder
H. B. Holland	B. T. Morris	Frank L. Strange
S. K. Holland	L. P. Murphy	J. G. Swearengin
J. C. Hutcherson	Chas. N. McCarty	Mac Swinford
E. M. Johnson	J. L. McDavid	J. L. Valandingham
Grover C. Johnson	W. J. McGill	Chiles Van Antwerp
W. W. Johnson	F. T. Nichols	C. D. Vincent
D. C. Jones	Caleb Page	W. S. Wallen
Mrs. H. G. Jorris	Smith Park	T. B. Watts

The reading of the Journal of yesterday's proceedings was dispensed with.

A message was received from the Senate announcing that they had passed bills of the following titles, viz.:

1. S. B. 74. An Act relating to roads and highways.

2. S. B. 211. An Act relating to roads.

3. S. B. 99. An Act establishing as a part of the primary system of State Hgihways a road from Brownsville, Edmonson County, via Rhoda to the Dixie Highway, intersecting with said highway at the farm of Fred Moore.

4. S. B. 70. An Act relating to roads and bridges and amending Chapter 17 of the Acts of the General Assembly of

1920, and by adding thereto, as Project No. 299-D, extending from Gatliff, Whitley county, Kentucky, and from Capito, Bell county, Kentucky, to Black Snake, Bell county, Kentucky, by way of Chenoa, Bell county, Kentucky.

5. S. B. 7. An Act to add to the Primary System of Public Highways.

6. S. B. 186. An Act to amend Section 5 of Chapter 17 of the Acts of the General Assembly of the Commonwealth of Kentucky of 1920 session approved March 16, 1920, which Act relates to roads and bridges and the creation of the Department of State Roads and Highways, etc., by adding to said Act project No. —.

7. S. B. 182. An Act to amend Section 5 of Chapter 17 of the Acts of the General Assembly of 1920, which is Section 4357t-5, of Carroll's 1922 Kentucky Statutes, relating to roads and highways and establishing and creating Project 2½B.

8. S. B. 254. An Act to add to project — in Wayne County, by including in the State Primary System of roads, the route from Monticello, Wayne County, to the Tennessee state line, following the top of the mountain between Mt. Pisgah and Slickford, after passing Cooper Post Office.

9. S. B. 65. An Act adding Project No. 40½ to the Primary System of State Highways as established by Act of General Assembly.

10. S. B. 142. An Act to create and establish Project No. 1A of State Roads and Highways, being a State highway from Greenville, Muhlenberg County, by way of Weir, Kirkmansville and Allegre, to Elkton, Todd County.

11. S. B. 87. An Act to amend and re-enact Sections 4310, 4135, 4143, 4146, 4147, 4148, 4151, Subsection 2, and

4250 of the Kentucky Statutes, John D. Carroll's Edition, 1915, as amended by Chapter 108 and Chapter 121 of the 1924 Acts of the General Assembly of the Commonwealth of Kentucky, all relating to revenue and taxation.

12. S. B. 215. An Act to amend and re-enact Chapter 158 of the Acts of the General Assembly of 1924, entitled "An Act to amend an Act of the General Assembly of Kentucky, approved March 16, 1920,, entitled 'An Act relating to roads and bridges, etc.,' and being Chapter 17 of the Acts of 1920, by revising and amending Project 46 of said act," by adding thereto road extending from Taylorsville, in Spencer County, to West Point in Hardin County, by way of Waterford, Mt. Washington and Shepherdsville.

13. S. B. 137. An Act to amend Section 5 Project 32 of Chapter 17, of the Acts of the General Assembly of 1920, now project 32, under Section 4356t-5 of Carroll's 1922 Edition of the Kentucky Statutes and as amended by Chapter 234 of the Acts of the General Assembly of 1924, relating to establishing and designing a primary system of State highways and providing for their construction and maintenance.

14. S. B. 175. An Act relating to roads and highways and adding a road to the Primary System of Kentucky.

15. S. B. 31. An Act to amend Section 5 of Chapter 17 of the Acts of the General Assembly of 1920, which act relates to roads and bridges, and which section of said act is now Section 4356t-5 of Carroll's Kentucky Statutes, Edition 1922, by establishing the road from Columbia, Ky., by the way of the bridge over Green river near Eunice, Ky., by way of Pellyton, Ky., and by the way of the bridge over Green river just above Dunnville, Ky., to Liberty, Ky., as a part of the primary system of roads in the State of Kentucky, and including in and adding said road to said section as a project in said Primary system.

16. S. B. 136. An Act to provide for an appeal from the action of the Board of Supervisors of taxes in cities of the fourth class.

17. S. B. 150. An Act relating to printing.

18. S. B. 27. An Act relating to roads and highways.

19. S. B. 178. An Act relating to roads and highways.

20. S. B. 101. An Act relating to roads and bridges, and amending Chapter 17 of the Acts of the General Assembly of the Commonwealth of Kentucky of 1920, by adding thereto Project — extending from Wells Station on the Ohio and Kentucky Railroad in Morgan County, Kentucky, to a point intersecting Project 28 near White Oak, Morgan County, Kentucky.

21. S. B. 201. An Act to establish a new State Primary Road Project to be known as Project No. — to begin at Munfordville, the county seat of Hart County and to extend by route near old home of Gen. Simon Bolivar Buckner to a point in "Jackson Highway" south of Pikeview between Pikeview and Linnwood.

Said bills were ordered printed and referred as follows, viz.:

1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 18, 19, 20, 21 to Committee on Roads and Highways No. 2.

11. To Committee on Revenue and Taxation No. 1.

16. To Committee on Cities of Fourth Class.

17. To Committee on County and City Courts.

And that they had passed a resolution of the following title, viz.:

S. Res. 16. Resolution providing for purchase of Copies of Digest.

Said resolution was referred

To Committee on Rules.

Mr. Strange moved that the Rules of this House be suspended and that a bill entitled:

H. B. 336. An Act relating to revenue and taxation; providing for the imposition of a state license or occupation tax on all persons, firms, associations or corporations engaged in mining or producing coal in this State; providing that counties may impose a like tax; providing the manner for assessing and collecting same; prescribing penalties for the violation thereof,

Be called up from the Committee on Revenus and Taxation No. 1, and be considered by the House in the same manner it would be considered, if said bill were reported without an expression of opinion by said Committee.

Mr. Jones raised the point of order that this House had heretofore refused to advance to a reading, the report of the Committee to the contrary nothwithstanding, a similar bill and of like substance and that a clincher motion had been applied to the vote by which the House refused to advance such bill to a reading.

The Speaker declared that said point of order was well taken.

From this decision Messrs. Strange and Pulliam filed the following appeal, viz.:

"A motion being made to suspend the rules and call from the Committee on Revenue and Taxation No. 1, H. B. 336, providing for a production tax on coal, the Speaker having sustained a point of order made against this motion on account of another bill calling for a tax on all mineral having been refused its first reading under Rule 61 of this House; we claim and contend H. B. 336 to be an entirely different bill and subject and most respectfully appeal from the decision of the Chair.

The Speaker vacated the Chair and designated Mr. Milliken as Speaker, pro tem.

The Speaker, pro tem., announced "Shall the decision of the Chair stand as the judgment of the House?"

It was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Strange and Pulliam were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	Fred H. Coots	S. K. Holland
W. B. Ardery	J. D. Cox	E. M. Johnson
A. J. Baldridge	W. J. Curtis	W. W. Johnson
L. D. Bax	J. L. Cushing	D. C. Jones
W. B. Belknap	C. L. Daly	Mrs. H. G. Jorris
T. H. Benton	J. R. Dorman	W. O. Keller
Shaler Berry	James M. Durham	J. R. Kelly
W. P. Bowman	Otto C. Gartin	Leon P. Lewis
Geo. A. Brown	R. E. Glenn	J. L. Manning
F. W. Bryant	F. A. Gnau	Joe Martin
J. R. Buckman	Whitsett Hall	Shelby Martin
W. G. Buckner	Lawrence Harmon	A. M. Mercer
W. A. Carson	C. W. Hawkins	H. J. Meyers
C. B. Carver	J. M. Hayse	H. H. Miller
Lee Clark	Goebel B. Henson	J. S. Milliken
W. E. Clark	H. M. Holbrook	T. R. Moore

B. T. Morris	J. J. Patterson	M. G. Slusher
L. P. Murphy	Geo. W. Potter	W. R. Smith
Chas. N. McCarty	W. H. Pryor	J. G. Swearengin
W. J. McGill	Clint Raymer	C. D. Vincent
F. T. Nichols	R. R. Rogers	W. S. Wallen
Caleb Page	C. W. Ryans	T. B. Watts
Smith Park	Chas. L. Seale	

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Those who voted in the negative were—

Wm. J. Arvin	J. O. Evans	H. A. Pulliam
W. O. Bach	J. F. Harrison	E. J. Snyder
J. H. Baughman	H. B. Holland	Frank L. Strange
D. F. Brown	J. C. Hutcherson	Mac Swinford
S. J. Bunger	Grover C. Johnson	J. L. Valandingham
E. J. Doss	Thos. H. King	Chiles Van Antwerp
D. E. Edwards	W. W. Leslie	

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Upon a call of the Counties and Legislative Districts, the following bills and resolutions were introduced, ordered printed and referred as follows, viz.:

By Mr. Wallen:

H. B. 479. An Act requiring all public officials of a county, municipalities, or subdivisions less than a county whose duty it is to collect or to have the custody of public funds of such county, municipality or political subdivision, to make, publish and file annually an itemized sworn statement of all such funds received and disbursed by him during the fiscal year, except counties having therein a city of the first class; prescribing penalties for violation thereof.

To Committee on Judiciary.

By Mr. Daly:

H. B. 480. An Act relating to roads and highways and describing and fixing a project to be added to the state pri-

mary system of roads and highways, from Washington in Mason County, Kentucky, to Mt. Olivet in Robertson County, Kentucky, and to be known as Project ——.

To Committee on Roads and Highways No. 2.

By Mr. Belknap:

H. B. 481. An act to amend and re-enact Sections 2097, 2105 and 2106 Kentucky Statutes, Carroll's Edition, said sections being parts of Article 1, Chapter 66 of said statutes.

To Committee on Criminal Law.

By Mr. Potter:

H. B. 482. An Act to amend Section 93 of the Constitution of the Commonwealth of Kentucky in relation to the election and re-election of officers, providing that the service of a term of office shall not be a bar to re-election for the next succeeding term, and repealing the provisions of Section 71, in relation to the Governor, Section 82, in relation to the Lieutenant-Governor, and Section 120, in relation to the Clerk of the Court of Appeals, conflicting with this Act.

To Committee on Constitutional Amendments.

By Mr. Milliken.

H. B. 483. An Act directing the submission of an amendment to Section 246 of the Constitution of Kentucky, relating to the compensation of Public Officers.

To Committee on Revenue and Taxation No. 2.

By Mr. Drury:

H. B. 484. An Act pertaining to the classification of Cities and Towns.

By Mr. Allen:

H. B. 485. An Act creating the 38th Judicial District of Kentucky, fixing the time of holding Courts thereof, providing for the appointment and election of a Circuit Judge, and providing for a Commonwealth's Attorney therein; changing the 6th and 8th Judicial Districts of Kentucky so as to provide for said 38th Judicial District; providing for the appointment and election of a Commonwealth's Attorney in said 8th Judicial District and fixing the time for holding courts in said 6th, and 8th and 38th Judicial Districts.

To Committee on Circuit Courts.

By Mr. Hawkins:

H. B. 486. An Act providing for the assessment of fees on unmarried men between the ages of thirty (30) years and sixty-five (65) years; providing for the collection and distribution of fees of same.

To Committee on Home Economics.

By Mr. G. C. Johnson:

H. B. 487. An Act to establish State Primary Road Project — beginning near or at Radcliffe, in Hardin County, on the Dixie Highway leadinb by way of Wooldridge Ferry to Belmont, Bullitt County.

To Committee on Roads and Highways No. 2.

By Mr. Hayse:

H. B. 488. An Act authorizing the County Judge in counties containing a city of the first class, to appoint a Trial Commissioner.

To Committee on County and City Courts.

By Mr. McDavid:

H. B. 489. An Act adding road Project No. — to Primary Road System of Kentucky.

To Committee on Roads and Highways No. 2.

By Mr. Glenn:

H. B. 490. An Act to amend and re-enact Section 2282 of Kentucky Statutes, relating to appointment of Trustee of the Jury Fund.

To Committee on County and City Courts.

By Mr. Ryan.

H. B. 491. An Act for the suppression of vice and crime, and regulating for that purpose applications to telephone companies for the installation of telephones for the use of subscribers to telephone service.

To Committee on Kentucky Statutes.

By Mr. Milliken:

H. Res. 10. Resolution providing for the participation of the Commonwealth of Kentucky in the celebration commemorating the centennial of the Congress of Panama, etc.

To Committee on Rules.

The Committees to which same had been referred, reported bills of the following titles, viz.:

By Mr. Murphy of the Committee on Agriculture:

H. B. 366. An Act to amend and re-enact Section 3 of Chapter 134 of the Acts of the General Assembly of 1912, entitled "An Act appropriating money for the erection of buildings and other improvements upon the State Fair Grounds and providing for the maintenance of same," so as to provide for an additional appropriation for the maintenance and improvement of State Fair property.

By Mr. B. T. Morris of the Committee on Circuit Courts:

S. B. 40. An Act to amend, revise and re-enact Section 2251 of Chapter 74, Article 11, Kentucky Statutes, Carroll's Edition, 1915, relating to juries.

By Mr. Evans of the Committee on Corporate Institutions:

S. B. 18. An Act to amend Section 564 Kentucky Statutes, Carroll's Edition, 1915, relating to Corporations.

By Mr. Brown of the Committee on County and City Courts:

H. B. 263. An Act to amend Section 1840 Kentucky Statutes, and amendment thereto relative to jurisdiction and powers generally of the Fiscal Court.

With an amendment thereto by way of substitute therefor.

H. B. 322. An Act to repeal and re-enact Section 4248 of the Kentucky Statutes, 1915 Edition, relating to penalties

for failure and neglect of certain officers to keep certain records and file certain reports so as to make such penalties applicable to county judges, police judges, and justices of the peace of this Commonwealth who fail to keep such records and file such reports as required by law

H. B. 342. An Act to repeal and re-enact Section 4246 of the Kentucky Statutes, 1915 Edition relating to reports to be made by the circuit court clerks to the Auditor of Public Accounts and imposing the same duties upon county judges, police judges, and justices of the peace of the Commonwealth.

By Mr. Clark of the Committee on Insurance, Fire and Marine:

S. B. 111. An Act to amend and re-enact Section 717 of the Kentucky Statutes, Carroll's 1915 Edition, relating to the examination of assessment fire insurance companies.

H. B. 185. An Act to repeal, amend and re-enact Sections 732, 733 and 734, Kentucky Statutes, relating to real estate title insurance companies.

By Mr. S. K. Holland of the Committee on Mines and Mining:

S. B. 67. An Act relating to mines and mining, defining the rights and duties of coterminous owners, prohibiting encroachments, and prescribing methods for enforcing the provisions hereof.

H. B. 186. An Act to protect miners in the coal mines of this State.

By. Mr. Dorman of the Committee on Roads and Highways No. 1:

S. Res. 7. Resolution to permit the Wilmore Construction Co., that is C. S. Woodard and G. C. Woodard, to sue the Commonwealth of Kentucky.

With an amendment thereto by way of substitute therefor.

By Mr. Berry of the Committee on Municipalities:

S. B. 60. An Act to repeal an Act approved March 20, 1914, being Chapter 63 of the Acts of 1914, and Section 537b of Carroll's Kentucky Statutes, and in lieu thereof to re-enact same; providing for a clerk and a stenographer for Coroners in Counties of more than 200,000 and fixing the powers, duties and salaries thereof.

H. B. 361. An Act to provide for the creation and organization of a city planning and zoning Commission for cities of the first class and surrounding territory.

H. B. 241. An Act merging in counties in which there is a city of the first class, the Board of Children's Guardians and the Board for the City and County Children's Home.

H. B. 298. An Act to enable cities of all classes to place the police department, city prosecuting attorney and city jailer and all employees of these branches of the municipal government, under the management of a director of law enforcement elected by popular vote, setting out the procedure of said management and providing for abandonment of such plan of management.

H. B. 325. An Act to repeal an Act of the General Assembly of 1887-1888 incorporating the Town of Eden, Martin County, Kentucky.

H. B. 415. An Act to amend Section 24 of an Act entitled "An Act to amend the school laws and to create Boards of Education and to define their duties in cities of the first class" approved March 4, 1910.

H. B. 418. An Act regulating the hauling of garbage and waste materials in motor vehicles through the streets by the municipal authorities in cities of the first class.

By Mr. Strange of the Committee on Roads and Highways No. 2.

H. B. 337. An Act to amend Sec. 5 Chapter 17 of the Acts of the General Assembly of 1920, which is Section 4356t-5, of Carroll's 1922 Kentucky Statutes, relating to roads and highways and establishing and creating Project 2½B.

H. B. 291. An Act to amend Section 4356t-5 of the Kentucky Statutes, Carroll's 1922 Edition, relating to roads and bridges, by amending and adding thereto as Project— extending from Project 22 at Curtis' Store to the Southern Railroad at Waynesburg.

H. B. 285. An Act to create a new State Primary Road Project to be known as Project — to extend from a point on State Project No. 12 near East View in Hardin County, Kentucky, via Solway and Big Spring, to a point in State Project 8, in Meade County between Hog Wallow and Miller's Mill.

H. B. 279. An Act creating a new Primary Road Project to be known as State Primary Road Project — to begin at Brownsville, Edmonson County, and extend approximately 12 miles to Rocky Hill, Edmonson County, Kentucky.

H. B. 182. An Act Amending Chapter 168 of the Session Acts of 1924, being entitled "An Act relating to public roads."

H. B. 160. An Act establishing as a part of the Primary System of State Highways a road from Booneville, Owsley County, via Tyner, Jackson County; to East Bernstadt, Laurel County, and designating said road as Project 30-A.

H. B. 1. An Act establishing and making the road leading from Columbia in Adair County, via the bridge over Green river near Eunice, Kentucky, via Pellyton, Kentucky, and by way of the bridge over Green river just above Dunville, Kentucky, to Liberty, the county seat of Casey county, a part of the Primary System of the State Highways of the Commonwealth of Kentucky and designating the said road as Project —.

H. B. 84. An Act relating to roads and bridges and establishing a new project to be a part of the new Primary Road System from Campbellsville to Liberty, Kentucky.

H. B. 219. An Act to amend Section 5, Chapter 17 of the Acts of the General Assembly of Kentucky 1920, which is now Section 4356t-5, Kentucky Statutes, Carroll's 1922 Edition, relating to roads and bridges and establishing a system of primary roads for the State of Kentucky and making provisions for the establishment, construction and maintenance of same, said section to be amended by adding thereto, a primary road project from Hartford in Ohio County by way of Centertown to South Carrollton in Muhlenberg County.

H. B. 11. An Act relating to roads and highways.

H. B. 254. An Act relating to roads and highways.

H. B. 302. An Act relating to roads and highways and describing and fixing the projects to be added to the primary system of roads and highways.

H. B. 18. An Act to amend Section 5, of Chapter 17 of the Acts of the General Assembly of 1920, which is now Section 4356t5 of 1922 Edition of Carroll's Statutes, relating to roads and bridges.

H. B. 20. An Act to amend Section 5, of Chapter 17 of the Acts of the General Assembly of 1920 which is now Section 4356t-5 of 1922 Edition of Statutes relating to roads and bridges.

H. B. 229. An Act establishing as a part of the primary system of state highways a road from Princeton, Caldwell County, to Madisonville, Hopkins County via Tradewater River bridge, and disignating said road as project 10.

H. B. 270. An Act establishing and making the road leading from Springfield, via Willisburg, to Lawrenceburg, Kentucky, a part of the primary system of State Highways of the Commonwealth of Kentucky and designating said road as Project —.

H. B. 174. An Act to repeal Chapter 264 of the Acts of the General Assembly of 1924, which established a new Primary Road System Project, now known as project 71 and to enact in lieu thereof a new act establishing a new Primary Road System Project to be known as Project No. 71.

H. B. 192. An Act establishing as a State Primary Road Project the road leading from Providence in Webster County, Kentucky, on State Primary Road project 2-A and 74, to Dawson Springs in Hopkins County, Kentucky, on state primary roads converging there, a distance of approximately 17

miles and designating said road as State Primary Road Project No. —

H. B. 273. An Act to amend Chapter 17 of the Acts of the General Assembly of 1920, relating to roads and bridges.

H. B. 236. An Act to establish Project — in the Primary System of State highways.

H. B. 143. An Act establishing the Wisdon-Hardyville road in Metcalf and Hart Counties as a part of the Primary System.

H. B. 153. An Act relating to roads and bridges and amending Chapter 17 of the Acts of 1920 of the General Assembly of Kentucky, by adding thereto Project — extending from Shepherdsville in Bullitt County to Taylorsville, in Spencer County, via Mt. Washington and Waterford.

H. B. 293. An Act to amend Section 5 of Chapter 17 of the Acts of the General Assembly of the Commonwealth of Kentucky of the 1920 session, approved March 16, 1920, which Act relates to roads and bridges and the creation of the Department of State Roads and Highways, etc., adding to said Act project —.

H. B. 247. An Act relating to roads and highways and adding a road to the primary system of Kentucky.

H. B. 116. An Act to amend Chapter 214 of the Acts of the 1924 session of the General Assembly entitled "An Act to amend project 8 of Chapter 17 of the Acts of the General Assembly of 1920, relating to roads and bridges and road projects."

H. B. 129. An Act relating to roads and highways and describing and fixing the projects to be added to the Primary System of roads and highways.

H. B. 394. An Act to establish State Primary Road Project — to lead over the route from Glasgow, the county seat of Barren County, to a point in the West Dixie Highway, leading to Bowling Green, in Warren County, Kentucky.

H. B. 396. An Act to repeal Chapter 179 Acts of the General Assembly of 1924, establishing State Primary Road Project 41½.

H. B. 378. An Act to amend Chapter 17 of the Acts of the General Assembly of 1920, relating to roads and bridges.

H. B. 159. An Act establishing a new State Primary Road Project to be known as Project —, beginning at Belle's Trace on Project 43 in Carter County and extending to a point on Project 49 near Isonville postoffice in Elliott County.

H. B. 255. An Act establishing a new primary road project to be known as Project No. —, beginning at Webbville on Project 43 in Lawrence County and extending to a point on Project 49 near Blaintown in Lawrence County.

H. B. 28. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

H. B. 26. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

H. B. 383. An Act establishing as a part of the primary system of highways a road from Centertown, via Matanzas, Point Pleasant and Island to Project 10 and designating the same as Project —.

H. B. 405. An Act to establish a new State Primary Road Project to be known as Project —, to begin at Munford-

ville the county seat of Hart County and to extend by route near old home of Gen. Simon Bolivar Buckner to a point in "Jackson Highway" south of Pikeview between Pikeview and Linwood.

H. B. 303. An Act to amend and re-enact Chapter 158 of the Acts of the General Assembly of 1924, entitled "An Act to amend an Act of the General Assembly of Kentucky, approved March 16, 1920, entitled "An Act relating to roads and bridges, etc.," and being Chapter 17 of the Acts of 1920, by revising and amending Project 46 of said Act by adding thereto road extending from Taylorsville in Spencer County to West Point in Hardin County via Waterford, Mt. Washington and Shepherdsville.

H. B. 274. An Act to amend Section 5, Project 32 of Chapter 17, of the Acts of the General Assembly of 1920, now Project 32, under Section 4356t-5 of Carroll's 1922 Edition of the Kentucky Statutes, and as amended by Chapter 234 of the Acts of the General Assembly of 1924, relating to establishing and designing a Primary System of State Highways and providing for their construction and maintenance.

H. B. 399. An Act establishing and making the road leading from Walton through Verona to Glencoe, a part of the Primary System of State Highways of the Commonwealth of Kentucky.

H. B. 425. An Act relating to roads and bridges and establishing a new project to be a part of the State Primary System of Roads from Barbourville, Knox County, to Hyden, Leslie County, via Artemus.

H. B. 372. An Act establishing as part of Primary System of State Highways of the Commonwealth of Kentucky, Acts of 1920, Chapter 17, the road leading from Barbourville to the Whitley County line.

H. B. 82. An Act to amend Chapter 260 of Acts of the General Assembly of the Commonwealth of Kentucky of the 1924 session, which act relates to roads and highways.

H. B. 193. An Act establishing as a state primary road, a road leading from Providence in Webster County, Kentucky, on State Primary Road Project 2A and 74 to Clay, in Webster County, Kentucky, on State Primary Road Project 2½, a distance of about seven miles and designating said road as State Primary Road Project —.

H. B. 272. An Act adding another road project in Metcalfe and Monroe Counties.

H. B. 389. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

H. B. 169. An Act relating to roads and bridges, and amending Chapter 17 of the Acts of the General Assembly of the Commonwealth of Kentucky of 1920, by adding thereto road project — extending from Wells Station on the Ohio and Kentucky Railroad in Morgan County, Kentucky, to a point intersecting Project No. 28 near White Oak, Morgan County, Kentucky.

H. B. 148. An Act establishing a road from Franklin, in Simpson County, Kentucky, to the Tennessee State line near the Henry's Ford Bridge, over the route known as the Franklin and Springfield road, as a State Primary Road, and designating said project as Project —.

H. B. 334. An Act establishing State Primary Road Project —, same being a road from Frankfort via Honey Suckle, Jacksonville, Elmburg, Pleasureville and New Castle.

H. B. 295. An Act to create a new State Primary Road Project to be known as Project — to extend from Shelbyville, the county seat of Shelby County, via Cropper, and Elmburg in Shelby County, to a point at Defoe, in Henry County, on the existing State Primary Road Project 64½ leading from Frankfort, the county seat of Franklin County, to New Castle, the county seat of Henry County.

H. B. 409. An Act to amend Section 5 Chapter 17 of the Acts of the General Assembly of 1920, which is Section 4356t-5 of Carroll's Kentucky Statutes, relating to roads and highways and establishing and creating Project — to be added to the primary system of roads and highways.

H. B. 6. An Act relating to roads and bridges and amending Chapter 17 of the Acts of the General Assembly of 1920, and by adding thereto, as Project 299D extending from Gatliff, Whitley County, Kentucky, and from Capito, Bell County, to Black Snake, Bell County, Kentucky, via Chenoa, Bell County Kentucky.

H. B. 410. An Act establishing and designating the road leading from Elizabethtown in Hardin County, to Belmont, in Bullitt County, via Woolridge Ferry, a state primary road Project No. —.

H. B. 290. An Act establishing and making the road leading from Danville, via Hubbel, to Lancaster, a part of the primary system of State Highways of the Commonwealth of Kentucky and designating said road as Project —.

H. B. 62. An Act amending Section 5 of Chapter 17 of the Acts of 1924, and establishing Project 3a as a part of the Primary System of State Highways.

H. B. 217. An Act to create and establish Project 1-a of State Roads and Highways, being a State Highway from

Greenville, Muhlenberg County, via Weir, Kirkmanville and Allegre, to Elkton, Todd County.

By Mr. Ryan of the Committee on Kentucky Statutes:

S. B. 94. An Act to amend and re-enact Sections 2445, 2447-1 and 2447b, Chapter 78, Kentucky Statutes, 1915 Edition as amended by Acts 1924, Chapter 129, entitled "An Act to amend and re-enact Section 2447b of Chapter 78, Kentucky Statutes, Carroll's Edition, 1922, which chapter is entitled 'Library, State.' "

S. B. 46. An Act to repeal Chapter 138 of the Acts of 1924, relating to real estate agents in cities of the first and second class.

Without an expression of opinion.

By the Committee on Rules:

S. Res. 15. Resolution to investigate the Suspension Bridge, Covington and Cincinnati Bridge Co.,

With the expression of opinion that said bills and resolution ought to pass.

Said bills and resolution were severally read at length the first time and ordered to be placed on the Calendar.

Mr. Swinford moved that the vote by which bills of the following titles, viz:

H. B. 379. An Act limiting the amount to be paid to a county attorney and county attorney pro tem. for any county to $5,000 per year and providing the manner and method for the payment of the per centum of fines and forfeitures out of the State treasury and fixing liability on the Auditor for any overpayment to such officer or officers.

H. B. 380. An Act to repeal and re-enact Section 378 of the Kentucky Statutes, 1915 Edition, relating to the duties of clerks of courts so as to make same applicable to county judges, police judges, and justices of the peace, and to provide for the signing of the order of final adjournment.

H. B. 381. An Act requiring county judges, police judges, justices of the peace, and clerks of the circuit courts to keep a record book in which all judgments, civil and criminal, shall be entered and cross-indexed, and imposing penalties for failure so to do.

Were refused a reading, the report of the Committee to the contrary notwithstnding, on yesterday.

Be reconsidered.

Said motion was agreed to.

Mr. Swinford moved that each of said bills be recommitted

To the Committee on Circuit Courts.

Said motion was agreed to.

Mr. Holland of the Committee on Enrollments, reported that they had examined and found correctly enrolled resolutions which originated in the Senate of the following titles, viz:

S. Res. 17. Resolution adopting Kentucky Cardinal, native Red Bird, as State Bird.

S. Res. 18. Resolution on the death of W. L. Mapother.

Thereupon all other business was suspended said resolutions were read at length and compared in open session and found to be correctly enrolled.

Thereupon the Speaker in open session and in the presence of the House affixed his signiture thereto.

Ordered that said resolutions be delivered to the Enrolling Clerk of the Senate.

By unanimous consent Mr. Fowler offered the following resolution, viz:

House Resolution providing for the investigating certain charges that have and are being made by the Veterans of Foreign Wars regarding the treatment of disabled Veterans by the Veterans' Bureau and Allied Boards.

Whereas, a postal card has been mailed to members of the House of Representatives by the Department of Kentucky Veterans of Foreign Wars which reads as follows:

"You are invited to attend mass meeting by Veterans of all wars, their families, and citizens of Kentucky at Lexington in Court House, Wednesday, February 17th, 7:30 P. M., and learn how checks have been stolen, compensation denied, false statements filed in Veterans' Bureau regarding disabled Veterans and how attempt has been made to dishonor Sergt. Willie Sandlin, the greatest American hero, and other astounding facts never before revealed to the public.

Come, and bring your friends. Department of Kentucky Veterans of Foreign Wars."

And, Whereas, it is the opinion of members of this House that if these charges are true they should be made under oath and that those against whom the charges are made should have an equal opportunity of refuting same under oath, therefore,

Be it Resolved, That the Speaker of the House be and he is hereby authorized to appoint a committee of five members of the House of Representatives to investigate the charges contained on said postal card. Said five members to be ex-service men. Said committee shall have power to summon witnesses and to take proof before a Notary Public by deposition regarding said charges and the Sergeant at Arms of the House is hereby authorized and directed to summon before said committee such witnesses as the chairman of such committee may designate. Said committee will report finding of facts to this House. The committee is further authorized and directed by the Speaker to attend the meeting mentioned on said postal card and to request the speakers who may appear at said meeting to make the allegations which they may make before said meeting under oath and subject to cross examination at a meeting of the committee to be called for that purpose.

Thereupon the Speaker appointed Messrs. Fowler, Leslie, Seale, Berry and Holbrook as said Committee.

Mr. Daniels moved that the session of today be extended indefinitely.

Said motion was agreed to.

The House took up for consideration from the Calendar, bills of the following titles, viz:

H. B. 339. An Act to amend Section 965, Kentucky Statutes, 6th Edition, 1922, and changing the time of holding court in the 20th Judicial District of Kentucky, composed of Greenup and Lewis counties and fixing the time therefor relating to circuit courts, and declaring an emergency.

S. B. 52. An Act relating to the holding of Circuit Courts in counties having therein cities of the third class or having therein portions of cities of a third class.

H. B. 328. An Act to repeal and re-enact Section 130 of the Kentucky Statutes, 1915 Edition, relating to the duties of County Attorneys so as to make the provisions thereof applicable to Commonwealth's Attorneys and to provide for a forfeiture of all per centums of such judgments in the event of a failure to perform the duties so required.

H. H. 400. An Act to Amend an Act of the General Assembly of the 1924 session, relating to holding courts and changing the time of holding court in the thirty-seventh Judicial District.

S. B. 95. An Act to change the time of holding courts in 24th Judicial District.

H. B. 371. An Act limiting the amount to be paid monthly and yearly to a county attorney of any county and to a Commonwealth's attorney of any judicial district from a per centum of fines and forfeitures collected and paid into the State treasury to which such officials are entitled.

H. B. 220. An Act to provide for an appeal from the action of the Board of Supervisors of taxes in cities of the fourth class.

H. B. 96. An Act authorizing the Clark County Construction Co. to sue the Commonwealth.

H. B. 316. An Act to amend sections 4, 12, 16 and 18 of Chapter 33 of the Acts of the General Assembly of Kentucky of 1916 entitled "An Act to provide an elective system of workmen's compensation for industrial accidents," and the

same act as amended by Chapter 176 of the Acts of the General Assembly of Kentucky for the year 1918, and the same act as amended by chapter 37 of the Acts of the General Assembly of Kentucky for the year 1920, and the same act as amended by chapter 50 of the Acts of the General Assembly of Kentucky for the year 1922, and the same act as amended by chapter 70 of the Acts of the General Assembly for the year 1924, said sections to be amended are 4883, 4893, 4897 and 4899, Carroll's Statutes of Kentucky.

With amendments thereto as offered by the Committee.

H. B. 226. An Act to amend section 4881, Carroll's Kentucky Statutes, being a part of the act commonly known as the Workmen's Compensation Act, and making the provisions of said act apply to the employees of the State Government.

With an amendment thereto by way of substitute therefor.

H. B. 60. An Act to amend Chapter 120, of the 1924 Acts of the General Assembly of the Commonwealth of Kentucky by adding thereto section 1A relating to revenue and taxation and providing for the purchase of tax free gasoline, for use as an ingredient in manufacturing.

With an amendment thereto by way of substitute therefor.

H. B. 390. An Act amending Section 4399a-9, Carroll's Edition, Kentucky Statutes, relating to the settlement of the Treasurer of the County Board of Education.

Ordered that said bills be read the second time.

The Constitutional provisions as to the second reading of said bills at length being dispensed with, they were read the second time by their titles only.

Ordered that said bills be placed in the orders of the day.

Mr. Bowman moved that the Rules be suspended and that the House take up for immediate consideration from the orders of the day a bill entitled:

S. B. 45. An Act to change and fix the time, place and term of court in the 20th Judicial District.

Saod motion was agreed to.

Said bills is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 3 of An Act approved March 19, 1908, entitled "An Act relating to children who are now or may hereafter become dependent, neglected or delinquent, to define these terms and fixing and defining the powers of the several County Courts within this Commonwealth, with reference to the care, treatment and control of such children, and to provide for the means whereby such powers may be exercised," as amended by An Act approved March 23, 1910, entitled "An Act to amend Section 3 of an Act of the General Assembly of the Commonwealth of Kentucky, approved March 19, 1908, entitled an 'Act relating to children who are now or may hereafter become dependent, neglected or delinquent, to define these terms and fixing and defining the powers of the several County Courts within this Commonwealth, with reference to the care, treatment and control of such children, and to provide for the means whereby such powers may be exercised,'" be and the same is hereby amended by striking out the words and figures "twenty-four hundred dollars ($2,400.00) per year" and inserting in lieu thereof the words and

figures "three thousand dollars ($3,000.00) per annum," and striking out the words and figures "twelve hundred dollars ($1,200.00) per year" and inserting in lieu thereof the words and figures "two thousand dollars ($2,000.00) per annum," and by striking out the words and figures "one thousand dollars ($1,000.00) per year" and inserting in lieu thereof the words and figures "fifteen hundred ($1,500.00) per annum," so that said Section, as amended, shall read as follows:

"The County Courts of the several counties of this state shall have authority to appoint or designate one or more discreet persons of good moral character to serve as volunteer probation officers during the pleasure of the court without any compensation whatsoever. In counties having a city of the first or second class the County Court may appoint one probation officer, who shall be designated as chief probation officer, and who shall receive a salary of not exceeding three thousand dollars ($3,000.00) per annum, to be fixed by the County Judge; one or more assistant probation officers, one of whom shall receive a salary of not exceeding two thousand dollars ($2,000.00) per annum, and all other assistants so appointed shall receive a salary not exceeding fifteen hundred dollars ($1,500.00) per annum, such salaries to be fixed by the Judge of the County Court. Such salaried probation officers shall be allowed their actual and necessary expenses incurred in the performance of their duties; said salaries and expenses to be paid as provided herein. All such salaried probation officers shall have all the powers of sheriffs and county patrolmen in making arrests."

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	D. E. Edwards	T. R. Moore
Wm. J. Arvin	J. O. Evans	B. T. Morris
W. O. Bach	D. W. Fowler	L. P. Murphy
A. J. Baldridge	R. E. Glenn	Chas. N. McCarty
W. B. Belknap	F. A. Gnau	J. L. McDavid
T. H. Benton	Whitsett Hall	F. T. Nichols
Shaler Berry	Lawrence Harmon	Caleb Page
W. P. Bowman	J. F. Harrison	Smith Park
D. F. Brown	C. W. Hawkins	J. J. Patterson
Geo. A. Brown	J. M. Hayse	Jas. J. Peters
F. W. Bryant	H. M. Holbrook	Geo. W. Potter
J. R. Buckman	H. B. Holland	W. H. Pryor
W. G. Buckner	S. K. Holland	H. A. Pulliam
S. J. Bunger	J. C. Hutcherson	Clint Raymer
W. A. Carson	Grover C. Johnson	Philip J. Ryan
C. B. Carver	W. W. Johnson	C. W. Ryans
Lee Clark	D. C. Jones	Chas. L. Seale
W. E. Clark	Mrs. H. G. Jorris	E. J. Snyder
Lonnie Cooper	W. O. Keller	Frank L. Strange
J. S. Cruse	Thos. H. King	Mac Swinford
W. J. Curtis	Leon P. Lewis	J. L. Valandingham
J. L. Cushing	J. L. Manning	Chiles Van Antwerp
C. L. Daly	Joe Martin	C. D. Vincent
Mormon B. Daniel	A. M. Mercer	T. B. Watts
E. J. Doss	J. S. Milliken	

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Resolved that the title thereof be as aforesaid.

Mr. Bowman moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The hour of twelve-thirty o'clock P. M. having arrived, Mr. Daniels moved that the House do now recess until one-thirty o'clock P. M.

Said motion was agreed to.

The hour of one-thirty o'clock P. M. having arrived, the Speaker resumed the Chair and called the House to order.

The House took up for consideration from the orders of the day, a bill entitled:

H. B. 49. An Act to repeal and re-enact Chapter 59 of the Acts of the General Assembly of 1918 relating to Courts of Justice.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Chapter 59 of the Acts of the General Assembly of 1918 be and the same is now repealed, and that the same be re-enacted and when so re-enacted shall read as follows:

The Judges of the Court of Appeals may appoint a sergeant-at-arms, tipstaff and bailiff, who shall each hold office during the pleasure of the Court and perform any and all duties that may be required of them by the Court. Their salaries shall be fixed by an order of the Court of Appeals. Their salaries as so fixed shall be paid monthly out of the treasury as other salaries are paid.

§ 2. All laws and parts of laws in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	D. W. Fowler	Shelby Martin
W. B. Ardery	Otto C. Gartin	A. M. Mercer
Wm. J. Arvin	R. E. Glenn	H. J. Meyers
T. H. Benton	F. A. Gnau	H. H. Miller
Shaler Berry	Whitsett Hall	J. S. Milliken
W. P. Bowman	Lawrence Harmon	B. T. Morris
D. F. Brown	C. W. Hawkins	J. L. McDavid
Geo. A. Brown	J. M. Hayse	W. J. McGill
J. R. Buckman	Goebel B. Henson	F. T. Nichols
W. G. Buckner	H. B. Holland	Smith Park
S. J. Bunger	S. K. Holland	J. J. Patterson
W. A. Carson	E. M. Johnson	Geo. W. Potter
C. B. Carver	Grover C. Johnson	Philip J. Ryan
Lee Clark	W. W. Johnson	C. W. Ryans
Fred H. Coots	D. C. Jones	Chas. L. Seale
J. D. Cox	Mrs. H. G. Jorris	M. G. Slusher
J. S. Cruse	W. O. Keller	W. R. Smith
W. J. Curtis	J. R. Kelly	E. J. Snyder
J. L. Cushing	W. W. Leslie	C. D. Vincent
Mormon B. Daniel	J. L. Manning	W. S. Wallen
D. E. Edwards	Joe Martin	T. B. Watts

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Those who voted in the negative were—

W. O. Bach	James M. Durham	W. H. Pryor
A. J. Baldridge	J. F. Harrison	R. R. Rogers
J. H. Baughman	J. C. Hutcherson	J. G. Swearengin
W. E. Clark	Thos. H. King	Mac Swinford
C. L. Daly	Chas. N. McCarty	J. L. Valandingham
E. J. Doss	Caleb Page	Chiles Van Antwerp

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Resolved that the title thereof be as aforesaid.

Mr. Hayse moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Cushing moved that the Rules be suspended and that a bill entitled:

S. B. 4. An Act repealing section 3783 of the Kentucky Statutes, as amended March 23, 1920, Chapter 80, page 376 and as further amended March 22, 1922, Chapter 44, page 159 of the Acts of 1922, said act relating to patrols and re-enacting same,

Be taken up for immediate consideration.

Said motion was agreed to.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 3783 of the Kentucky Statutes as amended March 23, 1920, chapter 80, page 376, of the Acts of 1920, and as further amended March 22, 1922, chapter 44, page 159, of the Acts of 1922, be and the same is hereby repealed, and in lieu thereof, the following is enacted:

"Section 3783. Compensation; Cities of First and Second Class; Chief Patrolman; Powers.—Patrols shall each be paid by order of the county court out of the county levy, a sum not to exceed one dollar for each ten hours they may have been purposely engaged in the performance of their duties, except that in counties having cities of the first and second class, they shall be paid, not less than $1,200.00 nor more than $1,800.00 per annum, payable in equal monthly installments out of the county levy, and the county court in such counties, having cities of the first and second class, may designate one of said county patrols as chief of the county patrolmen, who shall serve as such chief, during the pleasure of the county

court, and such chief shall be paid not less than fifteen hundred ($1,500.00) dollars, nor more than $2,100.00 per annum out of the county levy, payable in equal monthly installments. The county court shall, by order, fix the amount of their salary within the limits herein provided. The county court may designate one or more of said patrols as motor patrols, who in the discretion of the fiscal court, may be provided with motor vehicles.

At a court of claims for the county, the patrols shall present their claims for services specifying the number of hours each have been engaged and verified by the oath of the patrol upon which the court shall fix the amount to be paid.

Said patrols shall have the same right and same power to arrest, search and seize as is now given by law to the sheriffs of this Commonwealth, and shall be subject to the orders of the county court."

Together with the following Committee amendment, viz.:

Amend S. B. 4 by striking out in line 11 of the printed bill the words "less than $1,200.00 nor" and by striking out of line 16 and 17 of the printed bill the words "less than $1,-500.00 nor."

Said amendment was agreed to.

Mr. Cushing offered the following amendment to said bill, viz.:

Amend S. B. 4 by adding after the word "seize" in line 28 of the printed bill and before the word "as" the following: "and to serve subpoenas, summons and notices."

Said amendment was agreed to.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen
Wm. J. Arvin
W. O. Bach
A. J. Baldridge
T. H. Benton
Shaler Berry
W. P. Bowman
D. F. Brown
F. W. Bryant
J. R. Buckman
W. G. Buckner
S. J. Bunger
W. A. Carson
C. B. Carver
Lee Clark
W. E. Clark
Fred H. Coots
J. D. Cox
J. S. Cruse
J. L. Cushing
C. L. Daly
Mormon B. Daniel
J. R. Dorman
E. J. Doss
D. E. Edwards
J. O. Evans
D. W. Fowler
Otto C. Gartin
R. E. Glenn
F. A. Gnau
Whitsett Hall
Lawrence Harmon
J. F. Harrison
C. W. Hawkins
J. M. Hayse
Goebel B. Henson
H. B. Holland
S. K. Holland
J. C. Hutcherson
E. M. Johnson
Grover C. Johnson
W. W. Johnson
D. C. Jones
Mrs. H. G. Jorris
W. O. Keller
J. R. Kelly
Thos. H. King
W. W. Leslie
J. L. Manning
Shelby Martin
A. M. Mercer
H. J. Meyers
H. H. Miller
J. S. Milliken
B. T. Morris
Chas. N. McCarty
J. L. McDavid
W. J. McGill
F. T. Nichols
Caleb Page
Smith Park
J. J. Patterson
Geo. W. Potter
W. H. Pryor
H. A. Pulliam
Clint Raymer
R. R. Rogers
Philip J. Ryan
C. W. Ryans
Chas. L. Seale
M. G. Slusher
W. R. Smith
E. J. Snyder
J. G. Swearengin
Mac Swinford
J. L. Valandingham
Chiles Van Antwerp
C. D. Vincent
W. S. Wallen

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Resolved that the title thereof be as aforesaid.

Mr. Cushing moved that the vote by which said bill was passed as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the orders of the day, a bill entitled:

H. B. 93. An Act to amend Section 3642 of the Kentucky Statutes, Carroll's 1915 Edition, relating to the violation of city ordinances and that all fines and forfeitures shall go to the city of the fifth and sixth class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 3642 of the Kentucky Statutes, Carroll's 1915 Edition, relating to violation of ordinance-misdemeanors, be amended by adding at the close of said section the following words, to-wit: "All prosecutions in said court for violation of ordinances and by-laws shall be by warrant or summons in the name of the city, and all others in the name of the Commonwealth for the benefit of the city, and all fines and forfeitures recovered in said court shall, when collected, be paid into the Treasury of the city for the use and benefit of the general revenue fund of the city."

So that said section, as amended, shall read as follows, to-wit:

"Section 3642. The violation of any ordinance of such city shall be deemed a misdemeanor and may be prosecuted by the authorities of such city in the name of the Commonwealth of Kentucky for the use and benefit of such city or may be redressed by civil action at the option of the said authori-

ties. Any person sentenced to imprisonment for the violation of an ordinance may be imprisoned in the city jail of the county in which such city may be situated, in which case the expenses of such imprisonment shall be paid by the city. All prosecutions in said court for violation of ordinances and by-laws shall be by warrant or summons in the name of the city, and all others in the name of the Commonwealth for the benefit of the city, and all fines and forfeitures recovered in said court shall when collected, be paid into the treasury of the city for the use and benefit of the general revenue fund of the city."

Mr. Daniels offered the following amendment to said bill, viz.:

Amend H. B. 93 by adding thereto after line 24 on page 2 the following:

"five per centum of such fines collected shall be used for the maintenance of a public library situated in such town."

Said amendment was agreed to.

Mr. Glenn offered the following amendment to said bill, viz.:

Amend H. B. 93 by adding after the word "fifth" in the title of said bill and before the word "class" these words:

"and sixth."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	James M. Durham	J. S. Milliken
Wm. J. Arvin	J. O. Evans	B. T. Morris
W. O. Bach	D. W. Fowler	L. P. Murphy
A. J. Baldridge	Otto C. Gartin	Chas. N. McCarty
J. H. Baughman	R. E. Glenn	J. L. McDavid
W. B. Belknap	F. A. Gnau	W. J. McGill
T. H. Benton	Whitsett Hall	F. T. Nichols
Shaler Berry	Lawrence Harmon	Caleb Page
W. P. Bowman	J. F. Harrison	Smith Park
D. F. Brown	J. M. Hayse	J. J. Patterson
Geo. A. Brown	Goebel B. Henson	Jas. J. Peters
F. W. Bryant	H. M. Holbrook	Geo. W. Potter
J. R. Buckman	H. B. Holland	W. H. Pryor
W. G. Buckner	S. K. Holland	H. A. Pulliam
S. J. Bunger	J. C. Hutcherson	R. R. Rogers
W. A. Carson	E. M. Johnson	Philip J. Ryan
C. B. Carver	Grover C. Johnson	C. W. Ryans
Lee Clark	W. W. Johnson	M. G. Slusher
W. E. Clark	D. C. Jones	W. R. Smith
Lonnie Cooper	Mrs. H. G. Jorris	E. J. Snyder
Fred H. Coots	W. O. Keller	Frank L. Strange
J. D. Cox	J. R. Kelly	J. G. Swearengin
J. S. Cruse	Thos. H. King	Mac Swinford
J. L. Cushing	W. W. Leslie	J. L. Valandingham
C. L. Daly	J. L. Manning	Chiles Van Antwerp
Mormon B. Daniel	Shelby Martin	W. S. Wallen
J. R. Dorman	H. J. Meyers	T. B. Watts
E. J. Doss	H. H. Miller	

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Resolved that the title thereof be as amended.

Mr. Daniels moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the orders of the day, a bill entitled:

H. B. 142. An Act to amend and re-enact Section 717 of the Kentucky Statutes, John D. Carroll's 1915 Edition, relating to the examination of assessment, Fire Insurance Companies.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 717 of the Kentucky Statutes, John D. Carroll's 1915 Edition, be amended and re-enacted by inserting after the word "Commissioner" therein, the words "As often as once in four years or whenever he deems it prudent to do so," so that said act, when amended and re-enacted, shall read as follows:

"No corporation shall be formed under this act for the purpose of transacting the business of insurance other than herein prescribed, and no such corporation shall insure against any loss except as specified in this act; and any officer violating this law shall be fined from ten dollars to five hundred dollars, according to the discretion of the jury, and shall be personally liable for any losses caused by any violation, either to the corporation or any member. It shall be the duty of the Insurance Commissioner as often as once in four years, or whenever he deems it prudent to do so, or upon application of ten members of such a corporation, or two directors, or the president or secretary, to examine into the management of such corporation, and the corporation shall pay all expenses

of such examinations, and should he find that any officer or any number of officers have been or are at the time violating this law, or the by-laws of the corporation, he shall proceed in like manner as with other corporations who are guilty of like violations, and the officers shall be punished, if found guilty, as prescribed in this law, and shall be subject in addition thereto to prosecution and punishment for larceny or embezzlement as prescribed by the general laws of this State, if found guilty of such crime."

Ordered that said bill be read the third time.

The constitutional provisions as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and rejected.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. B. Belknap	D. W. Fowler	Caleb Page
Shaler Berry	F. A. Gnau	Smith Park
W. P. Bowman	Grover C. Johnson	Jas. J. Peters
D. F. Brown	W. O. Keller	R. R. Rogers
Geo. A. Brown	W. W. Leslie	Philip J. Ryan
W. A. Carson	J. L. Manning	C. D. Vincent
W. E. Clark	Joe Martin	W. S. Wallen
E. J. Doss	J. S. Milliken	T. B. Watts
J. O. Evans	W. J. McGill	

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Those who voted in the negative were—

Lewis Allen	J. R. Buckman	Fred H. Coots
Wm. J. Arvin	W. G. Buckner	J. D. Cox
W. O. Bach	S. J. Bunger	J. S. Cruse
A. J. Baldridge	C. B. Carver	J. L. Cushing
T. H. Benton	Lee Clark	Mormon B. Daniel
F. W. Bryant	Lonnie Cooper	James M. Durham

D. E. Edwards	J. R. Kelly	H. A. Pulliam
Otto C. Gartin	Thos. H. King	Clint Raymer
R. E. Glenn	Shelby Martin	C. W. Ryans
Whitsett Hall	H. J. Meyers	Chas. L. Seale
Lawrence Harmon	H. H. Miller	M. G. Slusher
C. W. Hawkins	B. T. Morris	W. R. Smith
Goebel B. Henson	Chas. N. McCarty	E. J. Snyder
H. B. Holland	J. L. McDavid	Frank L. Strange
S. K. Holland	F. T. Nichols	J. G. Swearengin
J. C. Hutcherson	J. J. Patterson	Mac Swinford
W. W. Johnson	Geo. W. Potter	Chiles Van Antwerp
Mrs. H. G. Jorris	W. H. Pryor	

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Mr. Smith moved that the vote by which said bill was rejected be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 165. An Act to amend and re-enact section 723 of the Kentucky Statutes, Carroll's Sixth Edition of 1922, being an Act of the General Assembly of the Commonwealth of Kentucky entitled "An Act to authorize fidelity and guaranty companies of other states to transact surety business in the state of Kentucky, approved April 14, 1892."

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section seven hundred and twenty-three (723) of the Kentucky Statutes, Carroll's sixth (6th) edition of nineteen hundred and twenty-two (1922), being an Act of the General Assembly, entitled "An Act to authorize fidelity and guaranty companies of other states to transact surety busi-

ness in the state of Kentucky," approved April fourteenth, eighteen hundred and ninety-two, be and hereby is amended by striking out the following words:

"and it is further authorized to become sole surety in all cases where, by law, two or more sureties are required for the faithful performance of any trust or office; and it may be lawful for any court clerk or other officer to approve said company as sole surety in all such cases," and that said act be re-enacted so as to read as follows:

"That any fidelity or guaranty company, duly incorporated under the laws of any state or of the United States, and having under its charter the power to become surety, be, and the same is hereby, authorized and empowered to insure the fidelity of persons holding places of trust or responsibility in, to or under this state, or any county, city, corporation, company, government, person or persons whatsoever, to become security for the faithful performance of any trust, office, duty, contract or agreement, and to supersede any judgment or to go upon any appeal or attachment, replevin, guardian, trustee, administration or other bond. Provided, the court clerk or other officer, whose duty it is to take said bonds, shall be satisfied that said company will be sufficient surety on the bond; and in all cases the officers and affairs of said company may be subject to an examination by such court clerk or other officers; and it shall be lawful for such company to stipulate and provide for indemnity from the parties aforesaid for whom they shall so become responsible, and to enforce any bond, contract, agreement, pledge or other security made or given for that purpose."

Ordered that said bill be read the third time.

The Constitutional provisions as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	D. W. Fowler	B. T. Morris
W. O. Bach	Otto C. Gartin	L. P. Murphy
A. J. Baldridge	R. E. Glenn	Chas. N. McCarty
T. H. Benton	F. A. Gnau	J. L. McDavid
Shaler Berry	Whitsett Hall	W. J. McGill
W. P. Bowman	Lawrence Harmon	F. T. Nichols
D. F. Brown	J. F. Harrison	Caleb Page
F. W. Bryant	C. W. Hawkins	Smith Park
J. R. Buckman	J. M. Hayse	J. J. Patterson
W. G. Buckner	Goebel B. Henson	Jas. J. Peters
S. J. Bunger	H. B. Holland	Geo. W. Potter
C. B. Carver	S. K. Holland	W. H. Pryor
Lee Clark	J. C. Hutcherson	H. A. Pulliam
W. E. Clark	E. M. Johnson	Clint Raymer
Lonnie Cooper	Grover C. Johnson	R. R. Rogers
Fred H. Coots	W. W. Johnson	Philip J. Ryan
J. S. Cruse	Mrs. H. G. Jorris	C. W. Ryans
J. L. Cushing	J. R. Kelly	W. R. Smith
C. L. Daly	Thos. H. King	Frank L. Strange
Mormon B. Daniel	W. W. Leslie	J. G. Swearengin
J. R. Dorman	J. L. Manning	Mac Swinford
E. J. Doss	Shelby Martin	J. L. Valandingham
James M. Durham	A. M. Mercer	Chiles Van Antwerp
D. E. Edwards	H. J. Meyers	C. D. Vincent
J. O. Evans	H. H. Miller	

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Those who voted in the negative were—

Wm. J. Arvin	J. D. Cox	E. J. Snyder
W. A. Carson		

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Resolved that the title thereof be as aforesaid.

Mr. Fowler moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 71. An Act regulating the time of holding Justices' Courts in cities of the fourth class in this Commonwealth.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all justices' courts, in any district embracing a city of the fourth class, shall be held monthly, and on such days of each month as may be fixed by the County Court of the county embracing said justices' district.

§ 2. All laws in conflict with this Act are hereby repealed.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	Shaler Berry	S. J. Bunger
Wm. J. Arvin	W. P. Bowman	C. B. Carver
W. O. Bach	D. F. Brown	W. E. Clark
A. J. Baldridge	Geo. A. Brown	Fred H. Coots
J. H. Baughman	F. W. Bryant	J. D. Cox
W. B. Belknap	J. R. Buckman	J. S. Cruse
T. H. Benton	W. G. Buckner	C. L. Daly

J. R. Dorman	D. C. Jones	J. J. Patterson
E. J. Doss	Mrs. H. G. Jorris	Geo. W. Potter
James M. Durham	W. O. Keller	W. H. Pryor
D. E. Edwards	J. R. Kelly	H. A. Pulliam
J. O. Evans	Thos. H. King	Clint Raymer
Otto C. Gartin	J. L. Manning	Philip J. Ryan
R. E. Glenn	Shelby Martin	C. W. Ryans
F. A. Gnau	A. M. Mercer	Chas. L. Seale
Whitsett Hall	H. J. Meyers	M. G. Slusher
Lawrence Harmon	H. H. Miller	W. R. Smith
J. F. Harrison	J. S. Milliken	E. J. Snyder
Goebel B. Henson	T. R. Moore	Frank L. Strange
H. B. Holland	B. T. Morris	J. G. Swearengin
S. K. Holland	L. P. Murphy	J. L. Valandingham
J. C. Hutcherson	Chas. N. McCarty	C. D. Vincent
E. M. Johnson	J. L. McDavid	T. B. Watts
Grover C. Johnson	F. T. Nichols	
W. W. Johnson	Smith Park	

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Those who voted in the negative were—

W. B. Ardery	Lee Clark	Mac Swinford
W. A. Carson	Mormon B. Daniel	Chiles Van Antwerp

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Resolved that the title thereof be as aforesaid.

Mr. Jones moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the orders of the day, a bill entitled:

H. B. 140. An Act to limit the amount of commission to be charged by and paid to fire insurance agents doing business

in this state at not exceeding 25 per cent of the premium charged and fixing a penalty for the violation of this act.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any fire insurance company doing business in the Commonwealth of Kentucky to pay to any agent or agents commission, salary or other compensation exceeding 25% of the premiums charged on business written by said agent or agents in this state. And it shall be unlawful for any agent to charge or accept more than 25% of the premium on policies written by him on property in this state.

§ 2. Any fire insurance company paying to any agent or agents commission, salary or other compensation in excess of 25% of the premium collected on policies of insurance written by its agents on property in this state or any agent who accepts more than 25% of said premiums shall be deemed guilty of a misdemeanor, and upon conviction shall be fined $100.00 for the first offense, and upon a second conviction shall be fined $500.00 and the Insurance Commissioner shall suspend the license of such company and agent to do business in this state for a period of one year.

§ 3. All fire insurance companies shall annually, on a form furnished by the Insurance Commissioner in addition to premiums collected on insurance written in Kentucky by agencies, set forth the amount of commissions paid to their agents or agencies on such business.

§ 4. All Acts or parts of Acts in conflict herewith are hereby repealed.

Mr. Fowler moved that said bill lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 63. An Act to change and fix the time, place and terms of court in the 20th Judicial District.

Mr. Bowman moved that said bill be recommitted to the Committee on Circuit Courts.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 139. An Act to appropriate Ten Thousand Dollars for the purpose of building a road from the public highway to the Perryville Battlefield and to provide for the erection of a caretaker's house thereon and to provide for the maintenance and improvement of the monument and surrounding grounds.

Mr. Milliken moved that said bill be recommitted to the Committee on Appropriations No. 2, with leave to report at any time.

Said motion was agreed to.

The House took up for consideration from the orders of the day, a bill entitled:

H. B. 141. An Act to provide for licensing of non-resident insurance brokers and fixing a penalty for violation thereof.

Mr. Milliken moved that said bill be recommitted to the Committee on Insurance, Fire and Marine, with leave to report at any time.

Said motion was agreed to.

The House took up for consideration from the orders of the day, a bill entitled:

H. B. 126. An Act to repeal and re-enact section 3563 of Carroll's 1922 Edition of the Kentucky Statutes, as amended by chapter 97 of the Acts of the General Assembly of Kentucky of 1924, Sections 3570 and 3574 of Carroll's 1922 Edition of the Kentucky Statutes, relating to the control and improvement of public streets, alleys, sidewalks, roads, lanes, avenues, highways and thoroughfares in cities of the fourth class.

Mr. Milliken moved that said bill be recommitted to the Committee on Cities of the Fourth Class, with leave to report at any time.

Said motion was agreed to.

Mr. Milliken moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

WEDNESDAY, FEBRUARY 17, 1926.

The House was opened with prayer by the Reverend W. P. Fryman of the Methodist Episcopal Church, of Frankfort.

The roll was called and the following members answered to their names, viz.:

Lewis Allen	T. H. Benton	F. W. Bryant
W. B. Ardery	Shaler Berry	J. R. Buckman
Wm. J. Arvin	C. H. Berryman	W. G. Buckner
W. O. Bach	W. P. Bowman	S. J. Bunger
A. J. Baldridge	D. F. Brown	W. A. Carson
J. H. Baughman	Geo. A. Brown	C. B. Carver

Lee Clark
W. E. Clark
Lonnie Cooper
Fred H. Coots
J. D. Cox
J. S. Cruse
W. J. Curtis
J. L. Cushing
C. L. Daly
Mormon B. Daniel
J. R. Dorman
E. J. Doss
James M. Durham
D. E. Edwards
J. O. Evans
D. W. Fowler
Otto C. Gartin
R. E. Glenn
F. A. Gnau
Whitsett Hall
Lawrence Harmon
J. F. Harrison
C. W. Hawkins
J. M. Hayse
Goebel B. Henson
H. M. Holbrook
H. B. Holland
S. K. Holland
J. C. Hutcherson
E. M. Johnson
Grover C. Johnson
W. W. Johnson
D. C. Jones
Mrs. H. G. Jorris
W. O. Keller
J. R. Kelly
Thos. H. King
Oscar Leibson
W. W. Leslie
Leon P. Lewis
J. L. Manning
Joe Martin
Shelby Martin
A. M. Mercer
H. J. Meyers
H. H. Miller
J. S. Milliken
T. R. Moore
B. T. Morris
L. P. Murphy
Chas. N. McCarty
J. L. McDavid
W. J. McGill
F. T. Nichols
Caleb Page
Smith Park
J. J. Patterson
Jas. J. Peters
Geo. W. Potter
W. H. Pryor
H. A. Pulliam
Clint Raymer
Philip J. Ryan
C. W. Ryans
Chas. L. Seale
M. G. Slusher
W. R. Smith
E. J. Snyder
Frank L. Strange.
J. G. Swearengin
Mac Swinford
J. L. Valandingham
Chiles Van Antwerp
C. D. Vincent
W. S. Wallen
T. B. Watts

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. Hawkins moved that the substitute, which was offered by the Committee on Public Bridges and Ferries for a bill entitled:

H. B. 249. An Act providing for additional supervision and regulation of the transportation of persons, for compensation, over public bridges and ferries on the State maintained highways of Primary Road System of the Commonwealth; defining "bridge companies" and "ferry companies;" defin-

ing "toll bridges" and "toll ferries;" providing for control of operation and fixing of rates over such bridges and ferries by the State Highway Commission or its successors; providing for the licensing and collection of fees from such bridge companies and ferry companies and further providing for the enforcement of the provisions of this act and punishment of the violations thereof,

Be printed.

Said motion was agreed to.

A message was received from the Senate announcing that they had passed the following resolution, viz.:

Resolution providing for the Purchase of copies of the Legislative Digest adopted at the Session of one thousand nine hundred and twenty-four as the official publication for the General Assembly and certain officials.

Whereas, it is a matter of importance and convenience that each Senator and Representative be advised as to the various and detailed steps of legislation: and,

Whereas, this General Assembly for the past nine sessions has approved and adopted as its official publication "The Legislative Digest," a publication under the editorship and management of competent and experienced persons, the purpose of which is to fully advise from day to day the officials and public of the Commonwealth as to the matter affecting them in an intelligent and prompt manner; therefore,

Be it Resolved, by the Senate of Kentucky, the House of Representatives concurring: That the publishers of the Legislative Digest are hereby directed to furnish daily a copy to each member and the Clerks of the General Assembly, and to the heads of each State Department during the time of this session. That the publishers are allowed the sum of Ten Dollars for each subscription for the Session and the Auditor

of Public Accounts is directed to draw his warrant upon the Treasurer for said amount when such service has been concluded. The total number shall not exceed two hundred (200) copies, which are to be paid for under this resolution.

Said resolution was adopted.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen
W. B. Ardery
Wm. J. Arvin
W. O. Bach
A. J. Baldridge
J. H. Baughman
W. B. Belknap
T. H. Benton
Shaler Berry
C. H. Berryman
W. P. Bowman
D. F. Brown
Geo. A. Brown
F. W. Bryant
J R. Buckman
W. G. Buckner
S. J. Bunger
W. A. Carson
C. B. Carver
Lee Clark
W. E. Clark
Lonnie Cooper
J. D. Cox
J. S. Cruse
W. J. Curtis
J. L. Cushing
C. L. Daly
Mormon B. Daniel
E. J. Doss
James M. Durham
J. O. Evans
D. W. Fowler
Otto C. Gartin
R. E. Glenn
F. A. Gnau
Whitsett Hall
Lawrence Harmon
J. F. Harrison
C. W. Hawkins
J. M. Hayse
Goebel B. Henson
H. M. Holbrook
H. B. Holland
S. K. Holland
J. C. Hutcherson
E. M. Johnson
Grover C. Johnson
W. W. Johnson
Mrs. H. G. Jorris
W. O. Keller
J. R. Kelly
Thos. H. King
W. W. Leslie
Leon P. Lewis
J. L. Manning
Joe Martin
Shelby Martin
A. M. Mercer
H. J. Meyers
H. H. Miller
J. S. Milliken
T. R. Moore
B. T. Morris
L. P. Murphy
Chas. N. McCarty
J. L. McDavid
W. J. McGill
F. T. Nichols
Caleb Page
Smith Park
J. J. Patterson
Jas. J. Peters
Geo. W. Potter
W. H. Pryor
H. A. Pulliam
C. W. Ryans
Chas. L. Seale
W. R. Smith
E. J. Snyder
Frank L. Strange
J. G. Swearengin
Mac Swinford
J. L. Valandingham
Chiles Van Antwerp
C. D. Vincent
W. S. Wallen
T. B. Watts

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Mr. Smith moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Jones moved that the Rules of this House be suspended and that a bill entitled:

H. B. 211. An Act to repeal and re-enact Chapter 33 of the Acts of the General Assembly of 1902 (p. 71) which is entitled "An Act to change the name of the State Normal School for Colored Persons, and regulate the conduct of same," same being Section 4527a, Kentucky Statutes, 1915 Edition,

Be made a Special Order for today at eleven-thirty o'clock.

Said motion was agreed to.

Upon a call of the Counties and Legislative Districts, the following bills were introduced, ordered printed and referred as follows, viz.:

By Mr. H. H. Miller:

H. B. 492. An Act to establish a new road project, beginning at Hazel Green, Wolfe County, Kentucky, and running to Garret Highway at Myse, Kentucky, in Morgan County, Kentucky.

To Committee on Roads and Highways No. 2.

By Mr. Hutcherson:

H. B. 493. An Act to amend and re-enact Section 3 of Chapter 131 of the Acts of the General Assembly of 1918 entitled "An Act to regulate the admission of attorneys to practice law," and providing for qualifications of members of the Board of Bar Examiners.

To Committee on Court of Appeals.

By Mr. Raymer:

H. B. 494. An Act to repeal Section 2118 of Kentucky Statutes.

To Committee on Kentucky Statutes.

By same:

H. B. 495. An Act relating to roads and highways, placing on primary system from Richardville to Caneyville.

To Committee on Roads and Highways No. 2.

By same:

H. B. 496. An Act relating to roads and highways, placing on primary system from Mt. Lebanon School House, Richardsville, Kentucky, by way of Region, Kentucky, and Threlkel.

To Committee on Roads and Highways No. 2.

By Mr. Lee Clark:

H. B. 497. An Act relating to roads and highways; providing for making a part of a primary system of the Com-

monwealth of Kentucky a project running from Murray via New Concord to the Tennessee river in Calloway County.

To Committee on Roads and Highways No. 2.

By Mr. Ryan:

H. B. 498. An Act amending Section 606 of Carroll's 1919 Edition of Codes of Practice.

To Committee on Codes of Practice.

By Mr. Keller:

H. B. 499. An Act making provision for examinations of teachers and for the issue, validation, and renewal of certificates for use in the public schools of this Commonwealth, repealing Sections 4535c-1, 4535c-2 and 4535c-3 of Kentucky Statutes and Chapter 63 of the Acts of the General Assembly 1924.

To Committee on Education No. 1.

By Mr. Berryman:

H. B. 500. An Act to amend Chapter 50 of the Acts of 1910, of the General Assembly of the Commonwealth of Kentucky, approved March 21, 1910, and as same has since been amended, all of which said Act and amendments now appear as Article 3, Subdivision XIII, Chapter 89, of the Kentucky Statutes, in John D. Carroll's Edition thereof in 1915, whereby cities of the second class may go under the Commission Form of Government.

To Committee on Cities of Second and Third Classes.

By Mr. Henson:

H. B. 501. An Act to amend and re-enact Sections 3492 and 3493 of the Kentucky Statutes, Carroll's Edition, 1922, being a part of Chapter of Fourth Class towns, for the better government, administration, disposition and discipline of the police and fire departments, in fourth class cities.

To Committee on Cities of Fourth Class.

By Mr. Dorman:

H. B. 502. An Act to repeal and re-enact Chapter 15, Acts of the General Assembly of 1922, approved March 20, 1922, and to provide for the elimination of grade crossings or change of existing overhead or underpass structures on the primary roads of the State; giving the State Highway Commission the power to order the elimination of such grade crossings or change of such structures and the power to direct the character of crossings to be substituted therefor; and to provide for the method or manner of effecting such grade eliminations or changes, providing for hearings on such orders; providing for a method of paying the cost incurred in the elimination of such crossings or change of structures; providing for appeal to the Franklin Circuit Court from such orders of the State Highway Commission, and for appeal from the Franklin Circuit Court to the Court of Appeals; providing for maintenance of the substituted crossings; and providing for the mandatory process of the court to compel compliance with such orders and declaring an emergency.

To Committee on Roads and Highways No. 1.

By same:

H. B. 503. An Act providing for the quarantining of diseased and infested trees, plants and part of plants, for the inspection of trees, plants and parts of plants, for the regis-

tration of tree dealers and agents, for the inspection and certification of nurseries, for the appropriation of $5,000 for the carrying out of the provisions of this act, and for the repeal of all acts and parts of acts in conflict with this act.

To Committee on Agriculture:

By Mr. D. F. Brown:

H. B. 504. An Act to amend and re-enact Sections 2740 and 2741 of Article 1, Chapter 89, Kentucky Statutes, Carroll's Edition of 1922, making London, Laurel County, a town of the fifth class.

To Committee on Classification of Cities and Towns.

By same:

H. B. 505. An Act to amend Section 165a-1 Kentucky Statutes, Carroll's Edition of 1922, placing real estate mortgage companies under supervision of the Banking Department.

To Committee on Banks and Banking.

By Mr. Holbrook:

H. B. 506. An Act changing the name of Dolen, Perry County, Kentucky, to that of Combs, Perry County, Kentucky.

To Committee on Judiciary.

By Mr. Pulliam:

H. B. 507. An Act creating the town of Lynch in Harlan County a municipal corporation and assigning it to the classification of fourth class cities.

To Committee on Classification of Cities and Towns.

By Mr. Belknap:

H. B. 508. An Act to amend and re-enact an act of the General Assembly of 1920 entitled "An Act imposing a license tax on race tracks, at which races are run for purses or prizes, under the jurisdiction of the Kentucky State Racing Commission, and which license tax is in lieu of all other license, income, excise, special or franchise tax to the State of Kentucky, or any county, city, town, municipality or other political subdivision thereof," providing for a license tax on the operation of pari-mutuel machines or other mechanical devices through, in, or by which money or other things of value are bet or wagered on the result of any horse race or races, or any other contest between man or beast run or to be decided in this State, providing for license for the sale of any ticket, lot, pool or other device upon the result of any horse race or races, or any other contest between man or beast, run or to be decided in this State.

To Committee on Kentucky Statutes.

By Mr. Gartin:

H. B. 509. An Act relating to motor vehicles, providing for the repeal, amendment and re-enactment of Subsections (a), (e), (g), (h), and (i) of Section 2 of Chapter 90 of the Acts of the General Assembly of 1920; repealing, amending and re-enacting Section 17 of Chapter 90 of the Acts of the General Assembly of 1920, as amended and re-enacted by Chapter 78 of the Acts of the General Assembly of 1924, and repealing existing statutes.

To Committee on Kentucky Statutes.

By same:

H. B. 510. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

To Committee on Roads and Highways No. 2.

By same:

H. B. 511. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

To Committee on Roads and Highways No. 2.

By Mr. E. M. Johnson:

H. B. 512. An Act establishing and making the road leading from Cynthiana, in Harrison County, Kentucky, to Williamstown, in Grant County, Kentucky, a part of the Primary System of State Highways of the Commonwealth of Kentucky, and designating said road as Project —.

To Comittee on Roads and Highways No. 2.

By Mr. Moore:

H. Res. 11. Joint Resolution providing for the payment of assistants for the Superintendent of Public Printing.

To Committee on Printing.

Mr. Coots moved that the Rules of this House be suspended and that a bill entitled:

H. B. 21. An Act for the protection and conservation of Game, Fish and Fur-bearing animals

Be made a pecial Order for tomorrow, February 18, at eleven o'clock A. M.

Said motion was agreed to.

Mr. Gnau moved that the Rules of this House be suspended and that a bill entitled:

H. B. 316. An Act to amend Sections 4, 12, 16 and 18 of Chapter 33 of the Acts of the General Assembly of Kentucky of 1916 entitled "An Act to provide an elective system of Workmen's Compensation for industrial accidents" and the same act as amended by chapter 176 of the Acts of the General Assembly of Kentucky for the year 1920, and the same act as amended by chapter 50 of the Acts of the General Assembly of Kentucky for the year 1922, and the same act as amended by chapter 70 of the Acts of the General Assembly for the year 1924, said sections to be amended are 4883, 4893, 4897, and 4899, Carroll's Statutes of Kentucky

Be made a Special Order for Friday, February 19, at one o'clock P. M.

Said motion was agreed to.

Mr. Patterson moved that a bill entitled:

H. B. 222. An Act to repeal and re-enact Section 4393, Chapter 58, Acts of 1924, relating to the reorganization of the State Department of Education and providing additional cause for revocation of teachers' certificates

Which was referred to the Committee on Kentucky Statutes,

Be called from the hands of said Committee.

Mr. Meyers raised the point of order that this House had heretofore refused to advance to a reading, the report of the Committee to the contrary notwithstanding, a similar bill and of like substance, and that under Rule 61 of this House no further motion can be entertained relative to the subject matter carried by such bill.

The Speaker declared that said point of order was well taken.

Mr. Cushing moved that the session of today be extended indefinitely.

Said motion was agreed to.

The Committees to which same had been referred, reported bills of the following titles, viz:

By Mr. B. T. Morris of the Committee on Circuit Courts:

H. B. 449. An Act to fix and regulate the times of holding the terms of the circuit courts in the Fifth Judicial District.

H. B. 289. An Act to repeal and re-enact Section 4245 of the Kentucky Statutes, 1915 Edition, relating to the duty of the circuit court clerks as to issuance of process on judgments in favor of the Commonwealth so as to impose the same duties upon the judges of the county courts, police courts, and justices of the peace of the Commonwealth of Kentucky.

H. B. 288. An Act to repeal and re-enact Section 4252 of the Kentucky Statutes, 1915 Edition, requiring officers to report to the circuit court, so as to impose the same duties upon the circuit court clerk as now imposed upon county

judges, police judges, and justices of the peace, and to impose a penalty for the failure of such officer to make any report required herein.

S. B. 120. An Act to relieve Female Jurors from Jury Service upon request made to the Court.

H. B. 210. An Act providing for the appointment and qualifications of official shorthand reporters in Circuit Courts other than Courts of continuous session; defining the duties thereof, and prescribing the fees, etc.,

With a Committee amendment thereto.

H. B. 380. An Act to repeal and re-enact Section 378 of the Kentucky Statutes, 1915 Edition, relating to the duties of clerks of courts so as to make same applicable to county judges, police judges and justices of the peace, and to provide for the signing of the order of final adjournment.

H. B. 381. An Act requiring county judges, police judges, justices of the peace, and clerks of the circuit courts to keep a record book in which all judgments, civil and criminal shall be entered and cross indexed, and imposing penalties for failure so to do.

H. B. 379. An Act limiting the amount to be paid to a county attorney pro tem for any county to $5,000.00 per year and providing the manner and method for the payment of the per centum of fines and forfeitures out of the State treasury and fixing liability on the Auditor for any overpayment to such officer or officers.

With the expression of opinion that said bills ought to pass.

Said bills were severally read at length the first time and ordered to be placed on the Calendar.

The hour of eleven-thirty o'clock having arrived, that being the hour for the Special Order of the Day, the House took up for consideration from the orders of the day, said Special Order, viz:

H. B. 211. An Act to repeal and re-enact Chapter 33 of the Acts of the General Assembly of 1902 (p. 71) which is entitled "An Act to change the name of the State Normal School for colored persons, and regulate the conduct of same," same being Section 4527, of Kentucky Statutes, 1915 Edition.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That chapter 33 of the Acts of 1902, being entitled "An Act to change the name of the State Normal School for colored persons, and to regulate the conduct of same," be and the same is now repealed, and re-enacted, and as re-enacted shall read as follows, to-wit:

Section 1. That the name of the State Normal School for colored persons is hereby changed to the following, to-wit: "Kentucky State Industrial College for Colored Persons," and the Board of Trustees shall be known as the Board of Trustees of Kentucky Industrial College for Colored Persons.

Section 2. That the President of the College, who shall be styled the "President of the College," and shall be the chief administrative officer of the College under control of the Board of Trustees, and shall be ex-officio a member of said board, shall be elected by said Board of Trustees between the first and fifteenth of May, 1926, and between said dates every four years thereafter, each election being for a term of

four years, and until the election and qualification of a successor, subject to removal for cause. The President shall have no vote in his election to or retention in office.

Section 3. Whereas, the school terms always close in June of each year, and arrangements for the conduct of the College, including the employment of teachers for the suceeding school year, can be more advantageously done and arranged before the end of the school term, it is considered that an emergency exists for this law, and it shall be and become a law upon its passage and approval by the Governor of the Commonwealth.

Mr. Jones offered the following amendment to said bill, viz:

Amend H. B. 211 by adding before the emergency clause, the following paragraph:

"That the Kentucky State Industrial College for colored persons shall have the right to certificate any graduate of its institution to teach any branch of school work in any colored school in the State of Kentucky, and any person holding such certificate shall not be required to pass any further examination before any school authorities of the State."

Said amendment was agreed to.

Mr. Van Antwerp offered the following Amendment to said bill, viz:

Amend H. B. 211 by substituting for the word "four" in line 15, the word "two."

Said amendment was disagreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, it was read the third time by its title only, and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Lewis Allen	James M. Durham	H. J. Meyers
W. B. Ardery	D. E. Edwards	H. H. Miller
Wm. J. Arvin	J. O. Evans	J. S. Milliken
W. O. Bach	D. W. Fowler	T. R. Moore
A. J. Baldridge	Otto C. Gartin	B. T. Morris
J. H. Baughman	R. E. Glenn	L. P. Murphy
W. B. Belknap	F. A. Gnau	Chas. N. McCarty
T. H. Benton	Whitsett Hall	J. L. McDavid
Shaler Berry	Lawrence Harmon	W. J. McGill
C. H. Berryman	C. W. Hawkins	F. T. Nichols
W. P. Bowman	J. M. Hayse	Caleb Page
D. F. Brown	Goebel B. Henson	Smith Park
Geo. A. Brown	H. M. Holbrook	J. J. Patterson
F. W. Bryant	H. B. Holland	Jas. J. Peters
J. R. Buckman	S. K. Holland	Geo. W. Potter
W. G. Buckner	J. C. Hutcherson	W. H. Pryor
S. J. Bunger	E. M. Johnson	Clint Raymer
C. B. Carver	Grover C. Johnson	R. R. Rogers
Lee Clark	W. W. Johnson	C. W. Ryans
W. E. Clark	D. C. Jones	Chas. L. Seale
Lonnie Cooper	Mrs. H. G. Jorris	M. G. Slusher
Fred H. Coots	W. O. Keller	E. J. Snyder
J. D. Cox	J. R. Kelly	Frank L. Strange
J. S. Cruse	Thos. H. King	J. G. Swearengin
W. J. Curtis	Oscar Leibson	Mac Swinford
J. L. Cushing	W. W. Leslie	C. D. Vincent
C. L. Daly	Leon P. Lewis	W. S. Wallen
Mormon B. Daniel	J. L. Manning	T. B. Watts
J. R. Dorman	Shelby Martin	
E. J. Doss	A. M. Mercer	

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Those who voted in the negative were—

J. F. Harrison H. A. Pulliam Chiles Van Antwerp — 3

Mr. Meyers offered the following amendment to the title of said bill, viz:

Amend the title by adding thereto: "and giving the Kentucky State Industrial College for Colored Persons, the right to issue certificates to graduates in the various courses taught in the Kentucky State Industrial College for Colored Persons."

Said amendment was agreed to.

Resolved that the title thereof be as amended.

Mr. Meyers moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

M. Cushing moved that the House do now recess until one-fifteen o'clock P. M.

Said motion was agreed to.

The hour of one-fifteen o'clock P. M. having arrived, the Speaker resumed the Chair and called the House to order.

The House took up for consideration from the Calendar, bills of the following titles, viz.:

H. B. 366. An Act to amend and re-enact Section 3 of Chapter 134 of the Acts of the General Assembly of 1912, entitled "An Act appropriating money for the erection of build-

ings and other improvements upon the State Fair Grounds and providing for the maintenance of same'' so as to provide for an additional appropriation for the maintenance and improvement of State Fair property.

S. B. 40. An Act to amend, revise and re-enact Section 2251 of Chapter 74, Article 11, Kentucky Statutes, Carroll's Edition, 1915, relating to juries.

S. B. 18. An Act to amend Section 564 Kentucky Statutes, Carroll's Edition, 1915, relating to Corporations.

H. B. 263. An Act to amend Section 1840 Kentucky Statutes, and amendment thereto relative to jurisdiction and powers generally of the Fiscal Court.

With an amendment thereto by way of substitute therefor.

H. B. 332. An Act to repeal and re-enact Section 4248 of the Kentucky Statutes, 1915 Edition, relating to penalties for failure and neglect of certain officers to keep certain records and file certain reports so as to make such penalties applicable to county judges, police judges, and justices of the peace of this Commonwealth who fail to keep such records and file such reports as required by law.

H. B. 342. An Act to repeal and re-enact Section 4246 of the Kentucky Statutes, 1915 Edition, relating to reports to be made by the circuit court clerks to the Auditor of Public Accounts and imposing the same duties upon county judges, police judges, and justices of the peace of the Commonwealth.

H. B. 111. An Act to amend and re-enact Section 717 of the Kentucky Statutes, Carroll's 1915 Edition, relating to the examination of assessment fire insurance companies.

H. B. 185. An Act to repeal, amend and re-enact Sections 732, 733 and 734, Kentucky Statutes, relating to real estate title insurance companies.

S. B. 67. An Act relating to mines and mining, defining the rights and duties of coterminous owners, prohibiting encroachments, and prescribing methods for enforcing the provisions hereof.

H. B. 186. An Act to protect miners in the coal mines of this State.

S. Res. 7. Resolution to permit the Wilmore Construction Co., that is C. S. Woodard and G. C. Woodard, to sue the Commonwealth of Kentucky.

With an amendment thereto by way of substitute therefor .

S. B. 60. An Act to repeal an Act approved March 20, 1914, being Chapter 63 of the Acts of 1914, and Section 537b of Carroll's Kentucky Statutes, and in lieu thereof to re-enact same; providing for a clerk and a stenographer for Coroner in Counties of more than 200,000 and fixing the powers, duties and salaries thereof.

H. B. 361. An Act to provide for the creation and organization of a city planning and zoning Commission for cities of the first class and surrounding territory.

H. B. 241. An Act merging in counties in which there is a city of the first class, the Board of Children's Guardains and the Board for the City and County Children's Home.

H. B. 298. An Act to enable cities of all classes to place the police department, city prosecuting attorney and city jailer anl all employees of these branches of the municipal

government, under the management of a director of law enforcement elected by popular vote, setting out the procedure of said management and providing for the abandonment of such plan of management.

H. B. 325. An Act to repeal an Act of the General Assembly of 1887-1888 incorporating the Town of Eden, Martin County, Kentucky.

H. B. 415. An Act to amend Section 24 of an Act entitled "An Act to amend the school laws and to create Boards of Education and to define their duties in cities of the first class" approved March 4, 1910.

H. B. 418. An Act regulating the hauling of garbage and waste materials in motor vehicles through the streets by the municipal authorities in cities of the first class.

H. B. 337. An Act to amend Section 5 of Chapter 17 of the Acts of the General Assembly of 1920, which is Section 4356t-5, of Carroll's 1922 Kentucky Statutes, relating to roads and highways and establishing and creating Project 2½B.

H. B. 291. An Act to amend Section 4356t-5, of the Kentucky Statutes, Carroll's 1922 Edition, relating to roads and bridges, by amending and adding thereto as Project — extending from Project 22 at Curtis' Store to the Southern Railroad at Waynesburg.

H. B. 285. An Act to create a new State Primary Road Project to be known as Project — to extend from point on State Project No. 12 near East View in Hardin County, Kentucky, via Solway and Big Spring, to a point in State Project 8, in Meade County between Hog Wallow and Millers Mill.

H. B. 279. An Act creating a new Primary Road Project to be known as State Primary Road Project — to begin at

Brownsville, Edmonson County, and extend approximately 12 miles to Rocky Hill, Edmonson County, Kentucky.

H. B. 182. An Act amending Chapter 168 of the session Acts of 1924, being entitled "An Act relating to public roads.

H. B. 160. An Act establishing as a part of the Primary System of State Highways a road from Booneville, Owsley County, via Tyner, Jackson County, to East Bernstadt, Laurel County, and designating said road as Project 30-A.

H. B. 1. An Act establishing and making the road leading from Columbia in Adair County, via the bridge over Green river near Eunice, Kentucky, via Pellyton, Kentucky, and by way of the bridge over Green river just above Dunville, Kentucky, to Liberty, the county seat of Casey County, a part of the Primary System of the State Highways of the Commonwealth of Kentucky and designating the said road as Project —.

H. B. 84. An Act relating to roads and bridges and establishing a new project to be a part of the new Primary Road System from Campbellsville to Liberty, Kentucky.

H. B. 219. An Act to amend Section 5, Chapter 17, of the Acts of the General Assembly of Kentucky 1920 which is now Section 4356t-5, Kentucky Statutes, Carroll's 1922 Edition, relating to roads and bridges and establishing a System of Primary Roads for the State of Kentucky and making provisions for the establishment, construction and maintenance of same, said Section to be amended by adding thereto, a Primary Road Project from Hartford in Ohio County by way of Centertown to South Carrollton, in Muhlenberg County.

H. B. 11. An Act relating to roads and highways.

H. B. 254. An Act relating to roads and highways.

H. B. 302. An Act relating to roads and highways and describing and fixing the projects to be added to the primary system of roads and highways.

H. B. 18. An Act to amend Section 5, of Chapter 17, of the Acts of the General Assembly of 1920, which is now Section 4356t-5, of 1922 Edition of Carroll's Statutes, relating to roads and bridges.

H. B. 20. An Act to amend Section 5, of Chapter 17 of the Acts of the General Assembly of 1920 which is now Section 4356t-5 of 1922 Edition of Statutes relating to roads and bridges.

H. B. 229. An Act establishing as a part of the primary system of state highways a road from Princeton, Caldwell County, to Madisonville, Hopkins County, via Tradewater River bridge, and designating said road as Project 10.

H. B. 270. An Act establishing and making the road leading from Springfield, via Willisburg, to Lawrenceburg, Kentucky, a part of the primary system of State Highways of the Commonwealth of Kentucky and designating said road as project —.

H. B. 174. An Act to repeal Chapter 264 of the Acts of the General Assembly of 1924, which established a new Primary Road System Project, now known as Project 71 and to enact in lieu thereof a new act establishing a new Primary Road System Project to be known as Project No. 71.

H. B. 192. An Act establishing as a State Primary Road Project the road leading from Providence in Webster County, Kentucky, on State Primary Road Project 2-A and 74, to Dawson Springs in Hopkins County, Kentucky, on state primary roads converging there, a distance of approximately 17 miles,

and designating said road as State Primary Road Project No. —.

H. B. 273. An Act to amend Chapter 17 of the Acts of the General Assembly of 1920, relating to roads and bridges.

H. B. 236. An Act to establish project — in the primary system of State highways.

H. B. 143. An Act establishing the Wisdon-Hardyville road in Metcalfe and Hart Counties as a part of the Primary System.

H. B. 153. An Act relating to roads and bridges and amending Chapter 17 of the Acts of 1920 of the General Assembly of Kentucky, by adding thereto Project — extending from Shepherdsville in Bullitt County to Taylorsville, in Spencer County, via Ft. Washington and Waterford.

H. B. 293. An Act to amend section 5 of Chapter 17 of the Acts of the General Assembly of the Commonwealth of Kentucky of the 1920 session, approved March 16, 1920, which Act relates to roads and bridges and the creation of the Department of State Roads and Highways, etc., adding to said Act project —.

H. B. 247. An Act relating to roads and highways and adding a road to the primary system of Kentucky.

H. B. 116. An Act to amend Chapter 214 of the Acts of the 1924 session of the General Assembly entitled "An Act to amend project 8 of Chapter 17 of the Acts of the General Assembly of 1920, relating to roads and bridges and road projects."

H. B. 129. An Act relating to roads and highways and describing and fixing the projects to be added to the Primary System of roads and highways.

H. B. 394. An Act to establish State Primary Road Project — to lead over the route from Glasgow, the county seat of Barren County, to a point in the West Dixie Highway, leading to Bowling Green, in Warren County, Kentucky.

H. B. 396. An Act to repeal Chapter 179 Acts of the General Assembly of 1924, establishing State Primary Road Project 41½.

H. B. 378. An Act to amend Chapter 17 of the Acts of the General Assembly of 1920, relating to roads and bridges.

H. B. 159. An Act establishing a new State Primary Road Project to be known as Project — beginning at Belle's Trace on Project 43 in Carter County and extending to a point on Project 49 near Isonville postoffice in Elliott County.

H. B. 255. An Act establishing a new primary road project to be known as Project No. — beginning at Webbville on Project 43 in Lawrence County and extending to a point on Project 49 near Blaintown in Lawrence County.

H. B. 28. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

H. B. 26. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

H. B. 383. An Act establishing as a part of the primary system of highways a road from Centertown, via Matanzas, Point Pleasant and Island to Project 10 and designating the same as Project —.

H. B. 405. An Act to establish a new State Primary Road Project to be known as Project — to begin at Munfordville the county seat of Hart County and to extend by route near old home of Gen. Simon Bolivar Buckner to a point in "Jackson Highway" south of Pikeview between Pikeview and Linwood.

H. B. 303. An Act to amend and re-enact Chapter 158 of the Acts of the General Assembly of 1924, entitled "An Act to amend an Act of the General Assembly of Kentucky, approved March 16, 1920, entitled 'An Act relating to roads and bridges, etc.,' and being Chapter 17 of the Acts of 1920," by revising and amending Project 46 of said Act by adding thereto road extending from Taylorsville in Spencer County to West Point in Hardin County, via Waterford, Mt. Washington and Shepherdsville.

H. B. 274. An Act to amend Sec. 5, Project 32 of Chapter 17, of the Acts of the General Assembly of 1920, now Project 32, under Section 4356t-5 of Carroll's 1922 Edition of the Kentucky Statutes, and as amended by Chapter 234 of the Acts of the General Assembly of 1924, relating to establishing and designing a Primary System of State Highways and providing for their construction and maintenance.

H. B. 399. An Act establishing and making the road leading from Walton through Verona to Glencoe, a part of the Primary System of State Highways of the Commonwealth of Kentucky.

H. B. 425. An Act relating to roads and bridges and establishing a new project to be a part of the State Primary

System of Roads from Barbourville, Knox County, to Hyden, Leslie County, via Artemus.

H. B. 372. An Act establishing as part of Primary System of State Highways of the Commonwealth of Kentucky, Acats of 1920, Chapter 17, the road leading from Barbourville to the Whitley County Line.

H. B. 82. An Act to amend Chapter 260 of Acts of the General Assembly of the Commonwealth of Kentucky of the 1924 session, which act relates to roads and highways.

H. B. 193. An Act establishing as a state primary road, a road leading from Providence in Webster County, Kentucky, on State Primary Road Projects 2A and 74 to Clay, in Webster County, Kentucky on State Primary Road Project 2½, a distance of about seven miles and designating said road as State Primary Road Project —.

H. B. 272. An Act adding another road project in Metcalfe and Monroe Counties.

H. B. 389. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

H. B. 169. An Act relating to roads and bridges, and amending Chapter 17 of the Acts of the General Assembly of the Commonwealth of Kentucky of 1920, by adding thereto road project — extending from Wells Station on the Ohio and Kentucky Railroad in Morgan County, Kentucky, to a point intersecting Project No. 28 near White Oak, Morgan County, Ky.

H. B. 148. An Act establishing a road from Franklin, in Simpson County, Kentucky, to the Tennessee State Line

near the Henry's Ford Bridge, over the route known as the Franklin and Springfield road, as a State Primary Road, and designating said Project as Project —.

H. B. 334. An Act establishing State Primary Road Project — same being a road from Frankfort, via Honey Suckle, Jacksonville, Elmburg, Pleasureville and New Castle.

H. B. 295. An Act to create a new State Primary Road Project to be known as Project — to extend from Shelbyville the county seat of Shelby County, via Cropper, and Elmburg in Shelby County, to a point at Defoe in Henry County on the existing State Primary Road Project 64½ leading from Frankfort, the county seat of Franklin to Newcastle, the county seat of Henry County.

H. B. 409. An Act to amend Section 5, Chapter 17 of the Acts of the General Assembly of 1920, which is Section 4356t-5 of Carroll's Kentucky Statutes, relating to roads and highways and establishing and creating Project — to be added to the primary system of roads and highways.

H. B. 6. An Act relating to roads and bridges and amending Chapter 17 of the Acts of the General Assembly of 1920, and by adding thereto, as Project 299D extending from Gatliff, Whitley County, Kentucky, and from Capito, Bell County, to Black Snake, Bell County, Kentucky, via Chenoa, Bell County, Kentucky.

H. B. 410. An Act establishing and designating the road leading from Elizabethtown in Hardin County to Belmont in Bullitt County, via Woolridge Ferry, a state primary road Project No. —.

H. B. 290. An Act establishing and making the road leading from Danville, via Hubbel, to Lancaster, a part of

the primary system of State highways of the Commonwealth of Kentucky and designating said road as project —.

H. B. 62. An Act amending Section 5 of Chapter 17 of the Acts of 1924 and establishing Project 3-a as a part of the Primary System of State Highways.

H. B. 217. An Act to create and establish Project 1-a of State Roads and Highways, being a State Highway from Greenville, Muhlenberg County, via Weir, Kirkmansville and Allegre, to Elkton, Todd County.

S. B. 94. An Act to amend and re-enact Sections 2445, 2447-1 and 2447b, Chapter 78, Kentucky Statutes, 1915 Edition, as amended by Acts 1924, Chapter 129, entitled "An Act to amend and re-enact Section 2447b of Chapter 78, Kentucky Statutes, Carroll's Edition, 1922, which chapter is entitled 'Library, State.' "

S. B. 46. An Act to repeal Chapter 138 of the Acts of 1924, relating to real estate agents in cities of the first and second class.

S. Res. 15. Resolution to investigate the Suspension Bridge, Covington and Cincinnati Bridge Co.

Ordered that said bills be read the second time.

The Constitutional provisions as to the second reading of said bills at length being dispensed with, said bills were read the second time by their titles only.

Ordered that said bill be placed in the orders of the day.

The House took up for consideration from the orders of the day, a bill entitled:

H. B. 94. An Act to amend and re-enact both the title to, and also the Act, and which is an act entitled "An Act relating to registration for elections in cities and towns having a population of 5,000 inhabitants or more," so that said title will read "An Act relating to registration of voters for elections in all cities and towns of the first, second and third and fourth classes in this Commonwealth," and the body of the Act will read as set out herein.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the title to chapter 64 in the published Acts of 1924 entitled "An Act relating to registration for elections in cities and towns having a population of 5,000 inhabitants or more" be amended so as to read, "An Act relating to registration of voters for elections in all cities and towns of the first, second, third and fourth classes in this Commonwealth," and that the body of the act when so amended will read as follows.

§ 1. Every citizen of the United States, not otherwise disqualified by the laws of this Commonwealth, who is twenty-one years of age, or who will become twenty-one years of age on or before the next regular election to be held in November or on or before the date of any special election, who will have been a resident of the state of Kentucky one year, and of the county six months, and of the precinct in which he or she offers to vote sixty days next preceding such election and who has been registered as provided by this act, and who is otherwise qualified, shall be entitled to vote for all officers elective by the people and on all measures or questions submitted for determination by the voters at any regular or special election.

§ 2. It shall be the duty of the board of election commissioners of each county in which is located a city or town of

the first, second, third or fourth class, not later than the 20th day of August, 1924, and annually thereafter, to appoint for each registration precinct in said city or town two judges, one clerk and one sheriff of registration to act as such in their precincts, all of whom shall hold their offices for one year, or until their successors are appointed and qualified. The county executive committee of the two political parties having representation on the state board and county boards of election commissioners may, on or before the 15th day of August, 1924, and annually thereafter, designate in writing for each precinct a list of not less than four names to the county board of election commissioners and from these names, if any are so designated, the officers of registration shall, within five days, be appointed from said lists as follows: One judge at each voting place shall be selected from each of said lists, and in like manner the sheriff shall be chosen from one of said lists, and the clerk from the other, and sheriffs and clerks shall be appointed alternately so that each of such political parties shall have in each city or county as near an equal number of sheriffs and clerks as possible. If no lists are submitted to said county board of election commissioners, then the officers of registration shall be so selected and appointed as that one of the judges at each place of registration shall be of one such political party, and the other judge of the other such political party, and there shall be a like difference at each registration place between the sheriff and clerk of registration. No person shall be eligible as an officer of registration who has committed homicide, or who has been convicted of a felony or is under indictment therefor, or who is not sober, temperate, discreet and of good demeanor, or who has anything of value wagered on the result of the next election, or who is a candidate to be voted for at the next election, or who is not capable of reading the Constitution of the Commonwealth of Kentucky in English and of writing a plain hand. It shall be the duty of the county board of election commissioners to determine the qualification of all registration officers before ap-

pointment. The county board of election commissioners shall have the power to remove all registration officers who are disqualified under the provisions of this act, but no such removal shall be made within five days of any registration day, nor shall any such removal be made at any time without cause, and the grounds shall be reduced to writing by said board and made a part of its records. If a vacancy shall occur by removal or otherwise, it shall be filled by the county board of election commissioners from the list already submitted, if any, from which the officer was selected, and in conformity with the provisions of this act. The county board of election commissioners shall give due notice of said appointment of registration officers to the sheriff of the county, who shall, within five days next after said appointments, give each officer of registration written notice of his appointment. If there shall be two or more contending executive committees of the same political party in the county, then that executive committee which is recognized by the State Central Committee of such party, by the written certification of the chairman thereof, shall be recognized by the county board of election commissioners in making the appointment of registration officers.

Should the county board of election commissioners fail to appoint such officers of registration, or if any of such officers fail to attend for thirty minutes after the time for commencing the registration, or refuses to act, the officer in attendance representing the same political party of the absentee shall appoint a suitable person to act in his stead for that registration; or if both representatives of the same political party are absent, the qualified voters present affiliating with the party of said two absentees shall elect, viva voce, suitable persons to act in their stead. Each officer of registration shall, before entering upon the duties of his office, take an oath faithfully to discharge his duties as such officer before some person authorized to administer an oath, or if no such officer be present it may be administered by the clerk of the

registration, who shall in turn be sworn by one of the judges of the registration. The acceptance of any office, either elective or appointive, or becoming a candidate for any elective office, by any such officer during his on her term of office as registration officer, shall, ipso facto, vacate the said office.

§ 3. If, in the opinion of the county executive committee a political party entitled to submit a list of names to the county board of election commissioners, for appointment as officers of registration as herein provided, there are no persons in a given precinct who are qualified to act as officers of registration, representing such political party, such county executive committee shall have the right to submit to the county board of election commmissioners a list of names of four persons who are nonresidents of such precinct, but residents of the city or county in which such precinct is located, and the two officers of registration, to which the political party sending in such list is entitled, in such precinct, shall be appointed from such list. Such lists shall be sent in at the same time but separate from the other lists herein provided for. Provided, that if any political party, entitled to submit a list of registration officers, as herein provided, received twenty-five per cent of the votes cast in any precinct at the preceding general election such political party shall submit the names of residents of such precinct for appointment as registration officers in such precinct; and, provided, further, that the judgment of such county executive committee as to whether there are persons residents of any precinct, in which the political party represented by such committee failed to receive twenty-five per cent of the votes cast at the preceding general election, qualified to act as officers of registration shall be binding on the county board of election commissioners.

§ 4. Officers of registration, who are qualified, shall be eligible to appointment as officers of election, but so much of section 1487, Kentucky Statutes, edition of 1915, as provides that the officers of election shall be officers of registration is hereby repealed.

§ 5. Each political party having representation on the state board and county boards of election commissioners shall have the right to appoint one challenger in each precinct by certifying the name of such challenger to the officer of registration of the precinct and it shall be the duty of such officers to permit such challenger to remain in the place where the registration is being conducted for the purpose of challenging the right of any person to register.

§ 6. Officers of registration shall have the same power to preserve order at the place of registration as is exercised by sheriffs of election at the polls. Said officers shall register every citizen of the United States of his or her precinct, who shall apply to be registered, at the time and in the manner required by law, who is legally qualified to vote at the next election after such registration. Every person so applying to be registered shall be required to sign his or her full name upon the registration book of his or her respective precinct in his or her own handwriting, which signature shall be attested by the clerk and sheriff of said precinct, and there shall also be entered in said book in proper place provided therefor the name of such person applying, sex, the address of such person, his or her party affiliation, his or her occupation, if any, at the time of such registration, the color or race of such person, his or her apparent weight and apparent height and other means of identification, and the date of registration. The clerk of the election shall indicate at the bottom of the form when such person voted at an election or primary.

In the event any person applying to register shall state upon oath that he or she cannot write his or her name as above provided the clerk shall sign the registration book for such person, and shall note thereon that same was done at the request of the person so registered and upon oath that such person could not write. Any officer or challenger of a primary or general election may require any person to write his or her name for comparison with such person's signature.

If the officers of registration, or any challenger, entertain any doubt as to whether or not any person offering for registration is entitled to such registration, or if any one's right to register is challenged, citizens may be called in, not exceeding three in number, who shall be examined touching the qualification of such person or persons who offer to register. In making the registration the clerk shall act as the recording officer, and the judges shall decide all questions relating to the qualifications of persons offering to be registered, except that, in case of a difference of opinion between the judges the clerk shall have the deciding vote.

It shall be the duty of the sheriff of each county to furnish a suitable and convenient place in each precinct for such registration.

It shall be the duty of the officers of registration in each precinct to return the registration books and all paraphernalia to the county court clerk of the county in which the registration is held not later than three days after the holding of said registration, and said county court clerk shall make an exact copy of said registration books, both the original and copies to be preserved in his office and upon each primary, special or general election the original registration books shall be turned over by the clerk of the county court to the regularly appointed clerk of elections of each respective precinct for their use in holding said election.

§ 7. The Secretary of the State of Kentucky and the chairman of the executive committee of each of the two political parties having representation on the state board and the county boards of election commissioners shall constitute and compose a board to prepare proper blanks, forms and books for the registration of voters as herein provided. It shall be the duty of said committee or board to have said blanks, forms and books properly prepared on or before the 25th day of August, 1924, by which date the necessary blanks, forms and books shall be in the hands of the county court clerk of each county in the state for distribution to the officers of registra-

tion in each precinct of the state. Said blanks, forms and books shall be printed, prepared and furnished as other books are now printed and prepared for the Commonwealth. Said blanks, forms and books shall be paid for by each county out of the county treasury, as is now provided by law for the payment of any and all other blanks, forms and books furnished each county by the State of Kentucky. Said book shall be so arranged that the names of the voters may be registered alphabetically and the form of registration for each voter shall be as near in form as follows:

FORM OF REGISTRATION OF VOTERS

Date of registration.....
Name of .....
Address .....
(Number) (Street) (City, town or postoffice)
Term of residence: State.....
County ..... Precinct .....
Color ..... Occupation .....
Party affiliation ..... Sex .....
Apparent weight .....
Apparent height .....
Other means of identification.....
Signature of voter .....
Attest:
Clerk .....
Sheriff .....
(Clerk of election will indicate below when above person votes). .....

§ 8. Each officer of registration shall receive as compensation the sum of two dollars per day for each day they are required to register voters, to be paid out of the county treasury.

§ 9. The registration officers in each election precinct of this Commonwealth shall on the second Monday in Septem-

ber, 1924, proceed to register the qualified voters in each precinct, as provided herein, and such registration officers shall, beginning on the second Monday in September in the year 1924, sit for two consecutive days between the hours of six a. m. and seven p. m. for the purpose of registering the qualified voters in each precinct, as herein provided.

Annually thereafter such officers of registration shall sit in each precinct on the second Monday in September, between the hours of six a. m. and seven p. m. for the purpose of permitting all qualified persons who have not previously registered to do so.

§ 10. Thirty days preceding the August primary election in each year, including the year 1924, the county board of election commissioners in each county, where registration is required under this act, shall appoint four qualified voters of each city or town as special officers of registration for such city or town. The county executive committee of the two political parties having representation on the state and county boards of election commissioners may, on or before forty days before the August primary in each year, designate in writing a list of four names to the county board of election commissioners and from these four names, if any are so designated, the special officers of registration shall be selected from said list as follows: One judge shall be selected from each of said lists and in like manner the sheriff shall be chosen from one of said lists and the clerk from the other. If no lists are submitted to said county board of election commissioners then the special officers of registration shall be so selected and appointed as that one of the judges shall be of one political party and the other judge of a different political party and there shall be a like difference between the sheriff and clerk of registration. Said special officers of registration shall have the same qualifications as regular officers of registration, shall receive the same compensation and shall hold their office for one year or until their successors are appointed and qualified. Said special officers or registration shall be

notified of their appointment in the same manner as officers of registration are required to be notified.

Commencing on the fourteenth day preceding the August primary election in each year such special officers of registration shall sit for one day, in each county in this state, between the hours of 6 a. m. and 7 p. m. at the courthouse, in a room provided by the county court clerk, for the purpose of registering all persons who will be legally qualified to vote at the next August primary election and who failed to register at the preceding September registration. At such special registration the following persons and no others shall be entitled to register:

1. Any person who was absent from the county of his or her residence during the entire time of the September registration for that year.

2. Any person who was prevented from registering by reason of his or her own sickness or by death in his or her immediate family.

3. Any person who moved into the precinct of his or her present residence after the regular registration held during the preceding year.

4. Persons who have become of age since the last election and have the qualifications of electors.

No person shall be entitled to register at such registration unless they have the qualifications of voters in the precincts in which they reside. Before registering any person under this section the special officers of registration shall require such person to make written oath as to the cause of his or her failure to attend the last September registration. All affidavits provided for under this section shall be kept in a bound book made for that purpose. The names of all persons entitled to register, as provided in this section, shall be recorded by the clerk of registration in the regular registration book for the precinct in which such person resides. The right of any person to register shall be determined by the special officers of registration in the following manner: The judges

of such registration shall have the right to determine such qualifications and in case they disagree then in the first case the clerk of registration shall cast the deciding vote and in the next succeeding case, in case of disagreement of the judges, the sheriff of registration shall cast the deciding vote and so on during the entire registration the clerk and the sheriff shall alternate in casting the deciding vote when the judges are unable to agree.

§ 11. Commencing on the first Tuesday in October of each year such special officers of registration shall sit for two consecutive days in each county in this state, between the hours of 6 a. m. and 7 p. m., at the courthouse, in a room provided by the county court clerk, for the purpose of registering all persons who will be legally qualified to vote at the November election and who failed to register at the preceding September registration. At such special registration the following persons and no others shall be entitled to register:

1. Any person who was absent from the county of his or her residence during the entire time of the September registration for that year.

2. Any person who was prevented from registering by reason of his or her own sickness or by death in his or her immediate family.

No person shall be entitled to register at such registration unless they have the qualifications of voters in the precincts in which they reside. Before registering any person under this section the special officers of registration shall require such persons to make written oath as to the cause of his or her failure to attend the last September registration. All affidavits provided for under this section shall be kept in a bound book made for this purpose. The names of all persons entitled to register, as provided in this section, shall be recorded by the clerk of registration in the regular registration book for the precinct in which such person resides. The right of any person to register shall be determined by the

special officers of registration in the following manner: The judges of such registration shall have the right to determine such qualifications and in case they disagree then in the first case the clerk of registration shall cast the deciding vote, and in the next succeeding case, in case of disagreement of the judges, the sheriff of election shall cast the deciding vote, and so on during such entire registration the clerk and sheriff shall alternate in casting the deciding vote when the judges are unable to agree.

Except in counties containing a population of more than 200,000 inhabitants, the county board of election commissioners shall appoint twelve qualified voters of such county, which shall compose three sets of registration officers, to be selected in the same manner from lists submitted by the county executive committee of the two political parties aforesaid.

§ 12. In each case where a special election is to be held in any county, city, town or subdivision thereof, either for the purpose of filling an elective office or for the determination of any measure or question submitted to the voters, the special officers of registration, provided for in section 10 hereof, shall fourteen days before such election sit for one day, at the courthouse in a room provided by the county court clerk for that purpose, between the hours of 6 a. m. and 7 p. m., for the purpose of permitting all persons who have not previously registered, as herein provided and who are entitled to register, to do so. No person shall be entitled to register at such special registration except under the requirements stated in section 10 hereof and the same procedure shall be observed as provided in section 10 hereof. Provided, that in addition to the class of persons entitled to register, as specified in section 10 hereof, any person not previously registered and who is qualified to register, who becomes of age after the last preceding November election, shall be entitled to register.

§ 13. Any otherwise qualified voter being an officer or employe of the United States or of the Commonwealth of Kentucky or traveling salesman may appear before the county

court clerk of the county of his residence on the day immediately preceding or on the day of any general or special election and upon making oath to the effect that he was absent from his place of residence on all general or special registration days during the current year, and that his absence was due to or by reason of the duties pertaining to such office, or business, the clerk shall register said voter, and such registration shall have the same effect in all respects as if the voter had registered upon any regular or special registration day herein provided for.

§ 14. Whenever a registered voter changes his or her place of residence from one election precinct to another in the same city or town, or wherever the boundaries of the precinct are changed by law, it shall be lawful for such person to apply in person for a new registration at the regular place of registration held in the precinct on the regular days of registration and at any special or supplemental days of registration held at the courthouse in the county, as hereinbefore provided, and it shall be the duty of the officers of registration to proceed to register such persons in such precincts as heretofore provided for. Such persons shall at the same time and before the same officers of registration sign a certificate of cancellation in a separate book provided therefor by the county court clerk, giving the place of residence of his previous registration and the year that said registration took place, directing the county court clerk to cancel his name from the registration book in which he was previously registered.

Such book of cancellation shall be returned to the county court clerk with the regular registration book and other paraphernalia. The county court clerk shall within fifteen days thereafter cause to be cancelled the names of such persons in the precinct of their previous registration by stamping across the face thereof with a stencil not less than three inches square and attested by the clerk.

Any registered voter may change his party affiliation on the regular days of registration by appearing in person before

the officers of registration of the precinct in which they are registered.

The county court clerk of each county shall keep a book arranged alphabetically showing the names of the voters who have changed their voting precincts, showing the precinct removed from, the precinct removed to and the date of such transfer.

§ 15. Any person who shall disturb, intimidate, abuse or by force or other unlawful means hinder, delay or disturb or attempt to hinder, delay or disturb, any officer of registration, while performing his or her official duties, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than one hundred dollars.

§ 16. Any officer of registration who shall willfully fail to perform his or her duty, as set forth in this act, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than one hundred dollars.

§ 17. When the county executive committee for any city or county of either of the political parties having representation on the state board and county boards of election commissioners shall desire it, the county board of election commissioners shall appoint two officers for any precinct, whose duty it shall be to purge the registration list in that precinct, and those officers need not reside in the precinct for which they act. If the city or county committee of either of such political parties shall desire to have the registration purged in any precinct, such committee shall file a request in writing with the county board of election commissioners not later than the 25th day of September in any year. In filing such request, such committee shall give the name and address of each voter whose name it challenges. When such request shall have been filed, it shall be the duty of the county board of election commissioners, not later than the first day of October, to appoint two officers as aforesaid, one from each of the political parties having representation on the state board and county board of election commissioners. These appointments shall be made

from a list of names submitted to the county board of election commissioners by the said governing authority of each of such political parties, and when so appointed the two officers shall be sworn to faiithfully discharge their duty. The list of challenged voters shall be turned over to these two officers, and they shall meet in the precinct in which they are to act, at some place designated and provided by the sheriff. Their first meeting shall be held in said precinct on Tuesday after the first Monday in October, and they may summon and swear witnesses. Each voter who has been challenged shall be notified of the time and place of meeting by a written notice addressed to the voter at the residence given on the registration books, and this notice shall be prepared and mailed by the county court clerk at least five days before the day of hearing. The notice shall require the voter to appear before the two officers mentioned therein. After investigation and hearing such evidence as may be presented these officers shall determine whether the voter was properly and legally registered. If they find that he or she was not, his or her name shall be stricken from the registration books by said officers. If they find that he or she was properly and legally registered, nothing further shall be done with said name. The registration books for the precinct shall be turned over to these officers when they are to hold their meetings and upon the conclusion of their meetings the registration book shall be returned to the county court clerk. In the event the two officers engaged in purging the registration books in cities of the first class shall disagree as to whether any name should be stricken from the books, they or either of them, shall reduce to writing the facts as developed and certify such statement of facts to the clerk of the circuit court, who shall forthwith assign the case of each such voter challenged to the circuit judge of such county. and wherever there are two or more circuit judges in any county the cases shall be equally divided among said judges, who shall immediately hear the cases de novo. The circuit clerk, upon receipt of such certification by the said officers,

shall immediately issue a notice addressed to the voter to appear before the circuit judge to whom the case is assigned not later than three days after the service of such notice, which notice shall be served by the sheriff of the county, or by any officer authorized to serve subpoenas, or by any person authorized by law to serve notices. Such notice may be served by delivering a copy of it to the person to whom it is directed, or by offering to deliver it to him; or, if he cannot be found, at his place of residence as shown by the registration book, by leaving a copy there with a person over the age of sixteen years, residing in the same family with him; or, if no such person be there, by affixing such copy to the front door of such place of residence and the person who serves such notice must make an endorsement on the notice stating when and how it was served; and, if a copy of it be not delivered to the person to whom it is directed, the indorsement must state the fact authorizing the manner of service pursued, and if the person who serves the notice be an officer, his indorsement must show his official position; if he be not an officer, he must make an affidavit that his endorsement is true, that he is over sixteen years of age, and that he is not a party to, nor interested in the proceedings. Such indorsement of an officer and such endorsement and affidavit of one who is not an officer shall be proof of the service. Such officer or person authorized to serve the notice shall make a return within three days after the receipt of such notice. The circuit clerk shall be allowed for each case the sum of fifty cents, to be paid by the fiscal court out of the county treasury. If the circuit judge decides that the name should be stricken from the registration books, he shall certify to the county court clerk to strike such name off the books, and if he decides that the voter is properly and legally registered he shall certify to the county court clerk that said registration is valid. The two officers in charge of purging the registration may meet from time to time until the second Tuesday in October, but not later, and they shall

receive for their services the same compensation as registration officers.

Any voter aggrieved by the decision of the two officers appointed to purge the registration may appeal to the circuit judge by filing his affidavit stating that his name had been stricken from the registration book and that he appeals from said order, and if the circuit clerk shall docket his case in the same manner as in the case of a disagreement between the purging officers.

§ 18. In any county not having therein a city of the first class, where registration is required, any voter may by giving five days' notice in writing to any person whose name has been registered, move the county court to strike his name from the register, and both parties may introduce witnesses, not exceeding two in number, on each side. Said notice must be served personally. If, at the hearing, the court shall be of the opinion that the person registered is not lawfully entitled to register, it shall direct the clerk to strike his name from the register, by inserting opposite to it the words: "Stricken off by order of the county court." If the person upon whom notice is attempted to be served can not be found, the clerk shall write opposite such name, on the registratioin book, the word "doubtful," and when at an election such person, whose name is marked "doubtful," shall offer to vote, he shall be sworn, and his right to vote investigated fully.

§ 19. It shall be the duty of the county court clerk to keep the registration books safely in his office and not to suffer same to be taken therefrom, except the registration books may be taken as provided herein from his office, or on the order of any court for the purpose of using them in any trial or proceedings. The clerk shall permit any citizen at any time to copy any registration book without fee or charge, and he shall also furnish copies at the same rate as provided in section 21 of this act for copying the book kept in his office. Copies furnished to citizens under this section shall be paid for in cash by the person ordering them.

§ 20. In the event any registration book of any precinct is lost or destroyed by fire or otherwise, or so mutilated, blotted, defaced or otherwise in such condition as to render the same difficult, troublesome or unsafe to use same longer, the County Board of Election Commissioners shall order a new registration of voters in said precinct as provided in this act. Said County Board of Election Commissioners shall, at least thirty days before a new registration is ordered, notify in writing by registered letter the chairman of the city and county executive committee of each political party having representation on the State Board and County Boards of Election Commissioners, but said registration shall be held on the regular registration day in September.

§ 21. The county court clerk, for his services under this act, shall receive the following fees, and no other: For copying the registration lists required to be kept in his office, or to be used in supplying lost books, the sum of three cents for each voter whose name is so copied; the sum of five cents for each voter stricken off the lists, and three cents for transferring the name of a voter from one precinct to another. The fees and expenses incurred under this act shall be paid as other election expenses.

§ 22. Any person who shall cause himself to be registered in more than one election precinct, or give a false number of his residence, or register more than once, in the same precinct, or who shall cause himself to be registered, knowing that he is not lawfully entitled to registration or any person who shall make a false oath as to his ability to read or write, or any person who shall aid or abet in the commission of any of said acts, shall be deemed guilty of a felony, and shall be imprisoned in the penitentiary not less than one nor more than two years.

§ 23. Any officer of registration, or purgation officer, or other person, who shall unlawfully alter any registration book, or add any name thereto, or who shall wilfully secrete, suppress or destroy any such book, or who shall make or aid

in making any false or fraudulent registration book, shall be deemed guilty of a felony, and shall be confined in the penitentiary not less than one year nor more than five years, and shall forfeit any office he then holds, and shall forever be disqualified from holding office.

§ 24. Any person, who, by himself or in aid of others, shall forcibly break up, or attempt to break up, a registration held as provided in this act, or shall forcibly prevent, or attempt to prevent, any person from approaching or entering a place or making any false or fraudulent registering shall be fined not less than one hundred dollars nor more than five hundred or imprisoned not less than six months nor more than twelve months in the county jail, or both.

§ 25. The General Assembly of Kentucky, at the session of one thousand nine hundred and twenty-two, enacted a law providing for the registration of voters in each precinct of this State. Pursuant to the provisions of such law, books for the registration of voters were printed on orders of the proper authorities in each county. Said law was declared to be unconstitutional and void by the Court of Appeals of Kentucky and the books, so printed, were not used and no registration was held under the provisions of said law. The form for the registration of voters, as contained in said books, is identical with the form required under the provisions hereof, except that the form contained in said books required each person applying to register to state his or her age, said requirement being omitted herefrom. In order, therefore, to save the cost of printing and furnishing to the various counties entirely new books of registration, they shall use said books, heretofore printed and reimburse the State for same and, in such use, the officers of registration shall not require any person applying to register to state his or her age, except that each person applying to register shall state that he or she is more than twenty-one years of age.

§ 26. If any section, paragraph, clause or separable provision of this act should be adjudged to be unconstitutional,

such decision shall not affect, or render unconstitutional, any other section, paragraph, clause or separable provision of the act, it being the intention of the General Assembly, in enacting this act, to enact each section, paragraph, clause and provisions separately.

§ 27. This act and each of its various sections, paragraphs, clauses and provisions shall be liberally construed in favor of the purposes of this act.

§ 28. All laws or parts of laws relating to the registration of voters in this State, conflicting with the provisions of this act, are hereby repealed.

Mr. Wallen offered the following amendment to said bill, viz.:

Amend H. B. 94 by adding in line 5 of page 1, the words "fifth and sixth" after the word "fourth."

Said amendment was agreed to.

The yeas and nays being required thereon by Messrs. Hutcherson and Strange were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	Fred H. Coots	J. F. Harrison
W. B. Ardery	J. D. Cox	C. W. Hawkins
Wm. J. Arvin	W. J. Curtis	Goebel B. Henson
W. O. Bach	J. L. Cushing	H. B. Holland
J. H. Baughman	C. L. Daly	S. K. Holland
W. B. Belknap	Mormon B. Daniel	J. C. Hutcherson
Shaler Berry	J. R. Dorman	Grover C. Johnson
Geo. A. Brown	E. J. Doss	W. W. Johnson
W. G. Buckner	J. O. Evans	W. O. Keller
W. A. Carson	D. W. Fowler	Thos. H. King
C. B. Carver	R. E. Glenn	W. W. Leslie
Lee Clark	F. A. Gnau	Leon P. Lewis
Lonnie Cooper	Whitsett Hall	A. M. Mercer

H. J. Meyers	W. J. McGill	E. J. Snyder
H. H. Miller	J. J. Patterson	Frank L. Strange
J. S. Milliken	Jas. J. Peters	Mac Swinford
T. R. Moore	Geo. W. Potter	J. L. Valandingham
B. T. Morris	H. A. Pulliam	Chiles Van Antwerp
L. P. Murphy	W. R. Smith	W. S. Wallen

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Those who voted in the negative were—

A. J. Baldridge	Lawrence Harmon	F. T. Nichols
T. H. Benton	J. M. Hayse	Caleb Page
W. P. Bowman	H. M. Holbrook	Smith Park
D. F. Brown	Ira L. Horne	W. H. Pryor
F. W. Bryant	E. M. Johnson	Clint Raymer
J. R. Buckman	D. C. Jones	R. R. Rogers
S. J. Bunger	Mrs. H. G. Jorris	C. W. Ryans
W. E. Clark	J. R. Kelly	Chas. L. Seale
J. S. Cruse	J. L. Manning	M. G. Slusher
James M. Durham	Joe Martin	J. G. Swearengin
D. E. Edwards	Chas. N. McCarty	C. D. Vincent
Otto C. Gartin	J. L. McDavid	T. B. Watts

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Mr. Daniels moved that the vote by which said amendment was agreed to be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Wallen offered the following amendment to said bill, viz.:

Amend H. B. 94 by inserting in line 3 of Section 2, of page 2, the words "fifth and sixth" after the word "fourth" in said bill.

Said amendment was agreed to.

Mr. Daniel offered the following amendment to said bill, viz.:

Amend H. B. 94 by striking out the words and figures "1924" wherever they may appear and substitute in lieu thereof the words and figures "1926."

Said amendment was agreed to.

Mr. Gartin offered the following amendments to said bill, viz.:

Amend H. B. 94 by inserting in Section 10, line 36 on page 10 after the word "death" the words "or sickness."

Amend H. B. 94 in Section 10 on page 9, in line 26 of the printed bill before the words "in each county" by striking out the words "one day" and insert in lieu thereof the words "three days."

Said amendments were each and severally disagreed to.

Mr. Gartin offered the following amendments to said bill, viz.:

Amend H. B. 94 by inserting in Section 10 line 32 on page 9 after the word "county" in said line the words "or city."

Amend H. B. 94 by inserting in Section 11 in line 9 on page 11 after the word "county" in said line the words "or city."

Said amendments were each and severally agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provisions as to the third reading at length of said bill being dispensed with and the same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	C. L. Daly	W. W. Leslie
W. B. Ardery	Mormon B. Daniel	Leon P. Lewis
Wm. J. Arvin	J. R. Dorman	A. M. Mercer
W. O. Bach	E. J. Doss	H. J. Meyers
J. H. Baughman	D. E. Edwards	H. H. Miller
W. B. Belknap	J. O. Evans	J. S. Milliken
Shaler Berry	D. W. Fowler	T. R. Moore
W. P. Bowman	R. E. Glenn	B. T. Morris
D. F. Brown	F. A. Gnau	L. P. Murphy
Geo. A. Brown	Whitsett Hall	W. J. McGill
F. W. Bryant	J. F. Harrison	J. J. Patterson
J. R. Buckman	C. W. Hawkins	Jas. J. Peters
W. G. Buckner	Goebel B. Henson	Geo. W. Potter
S. J. Bunger	H. B. Holland	H. A. Pulliam
W. A. Carson	S. K. Holland	W. R. Smith
C. B. Carver	J. C. Hutcherson	Frank L. Strange
Lee Clark	E. M. Johnson	Mac Swinford
Lonnie Cooper	Grover C. Johnson	J. L. Valandingham
Fred H. Coots	W. W. Johnson	Chiles Van Antwerp
J. D. Cox	W. O. Keller	W. S. Wallen
J. L. Cushing	Thos. H. King	

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Those who voted in the negative were—

A. J. Baldridge	Otto C. Gartin	D. C. Jones
T. H. Benton	Lawrence Harmon	Mrs. H. G. Jorris
W. E. Clark	J. M. Hayse	J. R. Kelly
J. S. Cruse	H. M. Holbrook	J. L. Manning
James M. Durham	Ira L. Horne	Joe Martin

Chas. N. McCarty	W. H. Pryor	J. G. Swearengin
J. L. McDavid	Clint Raymer	C. D. Vincent
F. T. Nichols	R. R. Rogers	T. B. Watts
Caleb Page	C. W. Ryans	
Smith Park	Chas. L. Seale	

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Mr. Wallen offered the following amendment to the title of said bill, viz.:

Amend title to H. B. 94 by adding the words "fifth and sixth" in line 5 of page 1 after the word "fourth."

Said amendment was agreed to.

Resolved that the title thereof be as amended.

Mr. Daniels moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the orders of the day, a bill entitled:

H. B. 101. An Act to amend and re-enact Section 5 of an Act to provide for the establishment and maintenance in counties which contain a city of the first class of a hospital for the treatment of persons afflicted with tuberculosis," approved March 17, 1906, as amended by an Act approved March 14, 1912.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 5 of an Act entitled "An Act to provide for the establishment and maintenance in counties which contain a city of the first class of a hospital for the treatment of persons afflicted with tuberculosis," approved March 17, 1906, as amended by an Act approved March 14, 1912, of Chapter 88 of the Acts of 1912, be amended and re-enacted so that said Section shall read as follows:

For the purpose of meeting the expenses necessary to carry out the purpose of this act, the Fiscal Court of the County in which said board shall exist is authorized, empowered and directed to levy a tax not to exceed six cents and not less than four cents on the one hundred dollars of taxables in said county, and the General Council of the city in which such board shall exist, is authorized, empowered and directed to levy a tax not to exceed eight cents and not less than six cents on the one hundred dollars of taxables in said city, and the sums derived from said taxation are to be paid over to said board for the purposes herein set forth.

In the event that the sums derived from said levies of the General Council and Fiscal Court shall in any year exceed the amount of expenses necessary to carry out the purposes of the Act creating the Board for said year, to the extent of said excess there shall be a reduction for the succeeding year in the tax levy of the General Council of the city and the Fiscal Court of the County in which such board shall exist, in the proportion that the tax levy of the General Council for the preceding year bore to the tax levy of the Fiscal Court for the same year.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen
Wm. J. Arvin
W. O. Bach
A. J. Baldridge
T. H. Benton
Shaler Berry
W. P. Bowman
D. F. Brown
Geo. A. Brown
F. W. Bryant
J. R. Buckman
W. G. Buckner
S. J. Bunger
W. A. Carson
C. B. Carver
Lee Clark
W. E. Clark
Lonnie Cooper
Fred H. Coots
J. D. Cox
J. S. Cruse
W. J. Curtis
J. L. Cushing
C. L. Daly
Mormon B. Daniel
J. R. Dorman
E. J. Doss
James M. Durham
D. E. Edwards
J. O. Evans
D. W. Fowler
Otto C. Gartin
R. E. Glenn
F. A. Gnau
Whitsett Hall
Lawrence Harmon
C. W. Hawkins
J. M. Hayse
Goebel B. Henson
H. M. Holbrook
H. B. Holland
Ira L. Horne
J. C. Hutcherson
E. M. Johnson
Grover C. Johnson
W. W. Johnson
D. C. Jones
Mrs. H. G. Jorris
W. O. Keller
J. R. Kelly
Thos. H. King
W. W. Leslie
Leon P. Lewis
J. L. Manning
Joe Martin
A. M. Mercer
H. J. Meyers
H. H. Miller
T. R. Moore
B. T. Morris
L. P. Murphy
Chas. N. McCarty
J. L. McDavid
W. J. McGill
F. T. Nichols
Caleb Page
Smith Park
J. J. Patterson
Jas. J. Peters
Geo. W. Potter
W. H. Pryor
H. A. Pulliam
R. R. Rogers
C. W. Ryans
E. J. Snyder
J. G. Swearengin
Mac Swinford
J. L. Valandingham
Chiles Van Antwerp
C. D. Vincent
W. S. Wallen
T. B. Watts

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Resolved that the title thereof be as aforesaid.

Mr. Lewis moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed bills of the following titles, viz.:

1. S. B. 5. An Act to give to supersedeas bonds executed upon appeals to the Court of Appeals to the circuit court the force and effect of a judgment, and to provide a means of collection of certain costs, revenues, and fines and penalties due to the Commonwealth of Kentucky.

2. S. B. 79. City Government Bill for cities of the first class.

Said bills were ordered printed and referred as follows, viz.:

1. To Committee on Kentucky Statutes.

2. To Committee on Municipalities.

Mr. Meyers moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

THURSDAY, FEBRUARY 18, 1926.

The House was opened with prayer by the Reverend J. R. McAfee of the Methodist Church of Middletown, Kentucky.

The roll was called and the following members answered to their names, viz:

Lewis Allen	Shaler Berry	W. G. Buckner
W. B. Ardery	C. H. Berryman	S. J. Bunger
Wm. J. Arvin	W. P. Bowman	W. A. Carson
W. O. Bach	D. F. Brown	C. B. Carver
A. J. Baldridge	Geo. A. Brown	Lee Clark
J. H. Baughman	F. W. Bryant	W. E. Clark
W. B. Belknap	J. R. Buckman	Fred H. Coots

J. D. Cox
J. S. Cruse
W. J. Curtis
J. L. Cushing
C. L. Daly
Mormon B. Daniel
J. R. Dorman
E. J. Doss
James M. Durham
D. E. Edwards
J. O. Evans
D. W. Fowler
Otto C. Gartin
R. E. Glenn
F. A. Gnau
Whitsett Hall
Lawrence Harmon
J. F. Harrison
C. W. Hawkins
J. M. Hayse
Goebel B. Henson
H. M. Holbrook
H. B. Holland
S. K. Holland
J. C. Hutcherson
E. M. Johnson
Grover C. Johnson
W. W. Johnson
D. C. Jones
Mrs. H. G. Jorris
W. O. Keller
J. R. Kelly
Thos. H. King
Oscar Leibson
W. W. Leslie
Leon P. Lewis
J. L. Manning
Joe Martin
Shelby Martin
A. M. Mercer
H. J. Meyers
H. H. Miller
J. S. Milliken
T. R. Moore
B. T. Morris
L. P. Murphy
Chas. N. McCarty
J. L. McDavid
W. J. McGill
F. T. Nichols
Caleb Page
Smith Park
J. J. Patterson
Jas. J. Peters
Geo. W. Potter
W. H. Pryor
Clint Raymer
R. R. Rogers
C. W. Ryans
Chas. L. Seale
M. G. Slusher
W. R. Smith
E. J. Snyder
Frank L. Strange
J. G. Swearengin
Mac Swinford
J. L. Valandingham
Chiles Van Antwerp
C. D. Vincent
W. S. Wallen
T. B. Watts

The reading of the Journal of yesterday was dispensed with.

Mr. Lee Clark offered the following resolution, viz:

Resolutions Inviting Kentucky Legislature to Hear Distinguished Tennesseans on The Hundredth Anniversary of The Death of Thomas Jefferson.

Whereas, This year of 1926 is the One Hundredth anniversary of the death of Thomas Jefferson, author of the Declaration of Independence, and,

Whereas, it is the purpose of the ladies of the Thomas Jefferson Memorial Foundation to make proper observance of the anniversary and who will invite two distinguished

Tennesseans to address members of the Legislature, and the citizens of the Capital of Kentucky, and others, therefore,

Be it Resolved—That the members of the Legislature of Kentucky join in with these ladies in inviting as speakers and guests for such occasion Hon. C. P. J. Mooney, journalist, civilian and commoner, and editor of the South's great newspaper, the Memphis Commercial Appeal, and Colonel Luke Lea, former United States Senator, and owner and editor of the Nashville Tennessean. That these two distinguished men be urged to come on such date as may be convenient to them, and speak upon such subjects as may occur to them as being germane to the occasion.

Said resolution was adopted.

Mr. Jones moved that the privilege of the floor be extended to Hon. A. J. Oliver.

Said motion was agreed to.

Mr. Meyers moved that the Rules be suspended and that a resolution entitled:

S. Res. 15. A resolution providing for the appointment of two Senators and three Representatives to constitute a Committee of the General Assembly of the Commonwealth of Kentucky, to investigate the income, receipts and disbursements of the Covington & Cincinnati Bridge Co., a corporation,

Be taken up for immediate consideration.

Said motion was agreed to.

Said resolution is as follows, viz:

Whereas, The Covington & Cincinnati Bridge Company was duly incorporated by Special Act of the General Assembly of the Commonwealth of Kentucky, entitled "An Act incorporating the Covington & Cincinnati Bridge Company," approved February 10, 1846, and which is Chapter 149 of the Acts of 1846, and

Whereas, By the provisions of said Act, to-wit, Section 8 thereof, said Bridge Company is required to lay before the Legislature of this State, an annual statement showing the tolls received for passing over said bridge, the cost of keeping said bridge in repair, and all other expenses incurred by said company in the operation of said bridge, and to regulate the tolls accordingly, so that the net profits derived from the operation of said bridge shall not exceed a certain percentage of the amount invested; and

Whereas, said bridge company has failed to make its annual report with the Legislature, as provided in said Act, showing the receipts from tolls, the cost of maintaining said bridge in repair, together with the other expenses incurred by said company in the maintenance and operation of said bridge; and

Whereas, The net earnings of said bridge company from tolls collected for crossing and using said bridge are greatly in excess of the maximum rate which said company is permitted to earn and distribute to its stockholders under the provisions of said Act of Incorporation, and in order to maintain its present toll rates and to absorb the excess of said net earnings, said bridge company did in the latter part of 1925, increase its capital stock from seven hunderd and fifty thousand ($750,000.00) dollars to two million, two hundred and fifty thousand ($2,250,000.00) dollars, on which last named amount said company proposes to pay the maximum dividend rate of fifteen (15%) per cent. in violation of the provisions of the Act incorporating said company,

Now therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Speaker of the House of Representatives be, and he is hereby authorized to appoint three Representatives, and the President of the Senate is hereby authorized to appoint two Senators who when appointed shall constitute a Committee of the General Assembly of the Commonwealth of Kentucky. Said Committee is empowered and authorized to summon before it all officers, agents and employees of the Covington & Cincinnati Bridge Company, and to compel them to give evidence showing the amount of tolls received by said Bridge Company annually for the calendar years of 1924 and 1925; the cost and expense of keeping said bridge in repair; together with all other expenses which said company incurred during said years in the operation and maintenance of said bridge; to inquire into and ascertain the rate of tolls charged by said Bridge Company for passing over said bridge; the total amount of income received by said company from said source and all other sources; the authorized outstanding capital stock of said company; the total amount of bonded indebtedness of said company; the rate of interest which said company is paying thereon; the amount of dividends declared in said years of 1924 and 1925, and all other information which said committee may deem necessary to determine whether said bridge company is exceeding the power and authority conferred upon it by said Act of the Legislature in the collection of tolls for crossing said bridge. The officers, agents and employees of said company shall appear before said committee and give to said committee said information whereof said committee is vested with authority to inquire into any and all other information which said Committee may require pertaining to the operation, management and maintenance of said bridge.

§ 2. Said Committee is hereby authorized and empowered to issue summons and compel the attendance before it of

any witnesses so summoned, and may compel said company to produce any and all books and accounts kept by it, showing the receipts and disbursements of said bridge company, and in the event any witness summoned to appear before said committee fails to appear or when so appearing fails or refuses to answer any question or to comply with any order of this committee, said committee is empowered and authorized to punish said witness as for contempt, by imprisonment in the jail of the county in which said hearing is being conducted, for any such time as in its discretion the gravity of the offense merits, not however to exceed for any one offense three (3) days, or until such witness complies with the order of said committee, or answers the questions propounded or by giving the information required by said committee.

§ 3. Said committee upon being appointed as provided herein, shall meet and appoint a chairman, who shall preside at all hearings and who is hereby authorized to administer an oath to all witnesses appearing before said committee, and shall sign all summons and orders made by said committee. All traveling or other expenses incurred by the committee in this investigation shall be paid as other expenses of the State are paid. Said committee shall hold its meetings at such places as it may deem expedient for the purposes for which it is appointed, and shall proceed to obtain the information provided for herein, and report the same before adjournment date of this General Assembly. Said committee is further empowered to employ a stenographer who shall take the testimony of all the witnesses appearing before said committee, which shall be transcribed and submitted to the General Assembly with the report of said committee.

§ 4. Whereas, it being necessary that the General Assembly have the information provided for in this resolution, before its adjournment, an emergency is hereby declared to exist and this resolution shall take effect upon its adoption and approval by the Governor.

Said resolution was adopted.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Lewis Allen	James M. Durham	A. M. Mercer
W. B. Ardery	D. E. Edwards	H. J. Meyers
Wm. J. Arvin	D. W. Fowler	J. S. Milliken
A. J. Baldridge	Otto C. Gartin	T. R. Moore
J. H. Baughman	R. E. Glenn	L. P. Murphy
W. B. Belknap	F. A. Gnau	J. L. McDavid
T. H. Benton	Whitsett Hall	W. J. McGill
Shaler Berry	Lawrence Harmon	F. T. Nichols
C. H. Berryman	C. W. Hawkins	Caleb Page
W. P. Bowman	J. M. Hayse	Smith Park
D. F. Brown	Goebel B. Henson	J. J. Patterson
Geo. A. Brown	H. B. Holland	Jas. J. Peters
J. R. Buckman	S. K. Holland	Geo. W. Potter
W. G. Buckner	Ira L. Horne	W. H. Pryor
S. J. Bunger	J. C. Hutcherson	H. A. Pulliam
W. A. Carson	E. M. Johnson	Clint Raymer
C. B. Carver	Grover C. Johnson	R. R. Rogers
Lee Clark	W. W. Johnson	C. W. Ryans
W. E. Clark	D. C. Jones	Chas. L. Seale
Fred H. Coots	Mrs. H. G. Jorris	M. G. Slusher
J. D. Cox	W. O. Keller	W. R. Smith
J. S. Cruse	J. R. Kelly	E. J. Snyder
W. J. Curtis	Thos. H. King	Frank L. Strange
J. L. Cushing	W. W. Leslie	J. G. Swearengin
C. L. Daly	Leon P. Lewis	Mac Swinford
Mormon B. Daniel	J. L. Manning	W. S. Wallen
J. R. Dorman	Joe Martin	T. B. Watts
E. J. Doss	Shelby Martin	

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There voted in the negative—

W. O. Bach — 1

Mr. Meyers moved that the vote by which said resolution was adopted be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Thereupon the Speaker appointed Messrs. Meyers, P. J. Ryan and J. C. Jones as members constituting such Committee.

Upon a call of the Counties and Legislative Districts, the following bills were introduced, ordered printed and referred as follows, viz:

By Mr. Arvin:

H. B. 513. An Act to encourage the development of reserved mineral rights in this Commonwealth.

To Committee on Revenue and Taxation No. 1.

By Mr. Gartin:

H. B. 514. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

To Committee on Roads and Highways No. 2.

By same:

H. B. 515. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

To Committee on Roads and Highways No. 2.

By Mr. Raymer:

H. B. 516. An Act to limit the changing of text books and lower the prices of text books.

To Committee on Education No. 1.

By Mr. Lee Clark:

H. B. 517. An Act to repeal, amend, and re-enact Section 5 of Chapter 11 of the Acts of the Extraordinary Session of the General Assembly of 1917, approved May 2, 1917, as amended and re-enacted by Section 4 of the Act constituting Chapter 116 of the Acts of the General Assembly of Kentucky for 1924, which Act was approved March 4, 1924, requiring the filing of reports of assignments or transfers of mortgages.

To Committee on Kentucky Statutes.

By same:

H. B. 518. An Act to repeal, amend and re-enact Section 4051 A (10) of the Kentucky Statutes, Carroll's Edition, 1915, same being a part of Article 11 of Chapter 108, providing for the report of liens of record and assignments thereof by County Clerks.

To Committee on Kentucky Statutes.

By Mr. Berry:

H. B. 519. An Act to require contractors, when dealing with any commission, department, institution or agency of the State, to disclose the name or names of each and every salesman, broker, attorney, agent or sub-agent, or other representative, requiring the registration of such representatives; and providing penalties for the violation of this Act.

To Committee on Criminal Law.

By same:

H. B. 520. An Act regulating deliveries of whole milk and cream for manufacture or resale for manufacture in this Commonwealth.

To Committee on Agriculture.

By Mr. Moore:

H. B. 521. An Act creating and establishing as a part of the primary system of the state highways of the Commonwealth of Kentucky a road leading from Frankfort in Franklin county, via of Peak's Mill to Swallowfield in Owen county to be known and designated as project 60a.

To Committee on Roads and Highways No. 2.

By Mr. Leslie:

H. B. 522. An Act relating to roads and bridges and establishing as a part of the primary system of state highways a road leading from New Castle via Point Pleasant to Bethlehem, designating the same as project —.

To Committee on Roads and Highways No. 2.

By same:

H. B. 523. An Act relating to roads and bridges and amending Chapter 17 of the Acts of the General Assembly of 1920, by adding thereto as project — a road extending from the city of Eminence in Henry County to and intersecting with a point on project 19 known as Price's Corner in Henry County.

To Committee on Roads and Highways No. 2.

By Mr. Lewis:

H. B. 524. An Act to authorize the Governor to remove peace officers for neglect of duty, in pursuance of Section 227 of the Constitution; providing the procedure thereof, and for an appeal from the Executive Order of removal to the Court of Appeals; and repealing Chapter 49 of the Acts of the General Assembly of 1924.

To Committee on Kentucky Statutes.

By same:

H. B. 525. An Act to amend Section 118 Kentucky Statutes (Carroll's 1922 Edition) relating to the duties of Commonwealth's Attorney.

To Committee on Circuit Courts.

By Mr. Meyers:

H. B. 526. An Act authorizing the filing of notices of liens for Internal Revenue taxes payable to the United States of America and the discharges thereof in the office of the County Clerk and prescribing the manner of filing and indexing the same and fixing the compensation therefor.

To Committee on Kentucky Statutes.

By Mr. Manning:

H. B. 527. An Act creating new State Primary Road Project, leading from Rockhold, 12 miles, to a point in Project 111, on Poplar Creek, in Whitley County, Kentucky.

To Committee on Roads and Highways No. 2.

By Mr. Evans:

H. B. 528. An Act to amend Section 490 of the Civil Code of Practice concerning the sale of real property and to authorize sales of real property in which one person or class of persons own a life estate and in which another person or class of persons own the remainder in fee simple.

To Committee on Codes of Practice.

Mr. D. F. Brown moved that the session of today be extended indefinitely.

Said motion was agreed to.

The hour of eleven o'clock having arrived, that being the hour for the Special Order of the Day, the House took up for consideration from the orders of the day, said Special order, viz.:

H. B. 21. An Act for the protection and conservation of game, fish and fur-bearing animals.

With Committee Amendments thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

GAME AND FISH COMMISSION

ARTICLE I.

§ 1. Present Commission continued: The members of the Game and Fish Commission and Executive Agent, in office at the date of approval of this act shall, until the expiration of

their respective terms of office, hold their positions. The Commission shall continue to consist of four members and an executive agent. The members of the Commission shall serve without compensation, except for necessary expenses to be paid upon an itemized statement thereof, duly audited by said Commission, and shall have an office at the Capitol and be supplied with suitable stationery, blanks and postage for the transaction of its business.

§ 2. Appointment and Term—Resident—Party Affiliation—Meetings: Upon the respective expirations of the terms of the present Commissioners, the Governor shall appoint their successors in office, each of whom shall serve for a period of four years, and whenever a vacancy shall occur by death, resignation, removal from the district, operation of law, or otherwise, the Governor shall, in like manner, immediately appoint some competent person to fill such vacancy and the person so appointed shall hold office for the unexpired term. No two members of the Commission shall be residents of any one senatorial district, and not more than two members of said Commission shall belong to the same political party. Said Commission shall meet quarterly at its office and as much oftener as may be necessary.

§ 3. General Powers and Duties: It is the duty of the Game and Fish Commission to protect, propagate and conserve the game, fur-bearing animals, protected birds and fish of the State, to enforce by proper actions and proceedings the laws of this Commonwealth and the United States, relating to the same, to collect and diffuse such information and statistics as shall be germane to the purpose of this act, and said Commission shall have full power to do, perform and contract for any and all things which may be necessary, incident or proper to protection, propagation and conservation.

§ 4. Report of Commission: In the month of October, in the year 1927, and every four years thereafter, the Game and Fish Commission shall make a report to the Governor, showing the official business transacted by the Commission;

such report shall show the number of licenses issued, together with all moneys received and disbursed. It shall show the number of wardens and other persons employed, and shall give all necessary information concerning the affairs of the Commission and shall be published in pamphlet form.

§ 5. Executive Agent: Upon the expiration of the term of the present incumbent, the Governor shall immediately appoint an Executive Agent of said Game and Fish Commission, who shall devote all of his time to the discharge of his duties, and shall receive compensation therefor to be fixed by the Game and Fish Commission. He shall be the chief administrative officer and have charge of all activities, under the jurisdiction and subject to the control of the Commission. He shall serve for a term of four years and be subject to the direction of the Commission. When the Commission is not in session, he is hereby authorized to exercise in its name all the rights, powers and authority vested in said Commission. Before entering upon the discharge of his duties he shall give bond to the Commonwealth of Kentucky, with surety or sureties to be approved by the Commission, in the penal sum of Five Thousand ($5,000.00) Dollars, conditioned for the faithful discharge of his duties and accounting of all State property coming into his hands, which bond shall be filed with the Secretary of State.

§ 6. Wardens and Employees—Appointment and Removal: The Game and Fish Commissioners may appoint and remove at pleasure a sufficient number of game wardens, whose jurisdiction shall be co-extensive with the State, other persons and office assistants, as may be necessary to carry out the purposes of this act, and fix their periods of service and compensation.

§ 7. Possession and Shipment of Birds, Fish and Animals: Said Game and Fish Commission is hereby empowered and authorized to have in their possession at any time, ship, or transport, anywhere in the State, for the purpose of

propagation or conservation, any and all kinds of fish, birds and animals.

§ 8. Purchase, Lease, Donation and Condemnation of Land and Water: Said Commission is hereby empowered and authorized to acquire in the name of the Commonwealth of Kentucky, by purchase, lease, donation, devise or otherwise, either land or water, or both, for the purpose of establishing a refuge for protecting, preserving, or propagating such varieties of game birds, game animals or fish as said Commission shall deem to be of public value. If said Commission be unable to agree with the owner or owners of such land or water as to its value, or to purchase the same, it may proceed in the name of the Commonwealth of Kentucky, in any court having jurisdiction, to condemn such land or water in the same manner as provided by law in the condemnation of land for railroad purposes. Real estate or water acquired by purchase, lease or condemnation shall be paid for out of moneys appropriated for said Commission out of the fish and game protection fund, or which have been appropriated for such purposes by the legislature, or which may have been received from any other source for such purposes.

§ 9. Fish Hatcheries and Game Preserves: Said Commission may establish, operate, conduct and maintain fish hatcheries and game preserves fenced or unfenced on any lands or waters acquired by it, and may employ and appoint such persons and assistants at such salaries and for such times as it may deem necessary to operate, conduct, and care for them, any of whom may be removed at the pleasure of said Commission.

§ 10. Public Shooting Grounds: The Game and Fish Commission may at any time it may see fit, open to the public any lands or waters owned or controlled by it as preserves, refuges or hatcheries and permit thereon hunting, trapping, angling or seining or any or all of said privileges for such time and under such terms and conditions as it may see fit to impose.

§ 11. Sale of Land and Water: Said Commission may, when it regards the same to be to the best interest of the State, sell and convey any real estate or buildings or waters owned or used for the purpose of protection, preserving or propagating fish, birds or animals, and the proceeds arising from such sales may be reinvested in other real estate or buildings or water for the protecting, preserving or propagating of fish, birds or animals.

§ 12. Contracts: The Commission may enter into any contract or agreement with the United States Government or any Department or Bureau thereof, or with any person or persons in regard to the preservation, protection or propagation of fish, game bids or animals, it may deem to be the advantage of the State to enter into.

§ 13. Powers and Duties of Wardens: It shall be the duty of the fish and game wardens and such other persons so appointed by the Commission of Game and Fish, sheriffs and their deputies, constables and their deputies, and all peace officers, to enforce within this State all laws relating to the prosecution, preservation or propagation of fish, birds or game. They may arrest on sight and without warrant any person detected by them in the act of violating any such laws; they shall have the same right as sheriffs to require aid in arresting without process any person found by them in the act of violating any of said laws; and they shall have the authority to seize without process any birds, fish, animal or game found in possession of any such persons, together with all dogs, guns, seins, nets, traps, boats, automobiles, motorcycles, aeroplanes, or other motor driven vehicles, lights, or other instrumentalities or devices with which the same were taken or killed, or which were being used or held with intent to use in pursuing, taking, attempting to take, concealing or disposing of the same, and forthwith convey said offender before a court or magistrate having jurisdiction of the offense, and such court or magistrate, upon the filing of the complaint by such warden or other person or officer, shall proceed speedily to try

and determine the truth of the charge, and if said charge is found to be true, said court or magistrate shall enter an order declaring said birds, game, animals, fish, dogs, guns, seines, nets, traps, boats, automobiles, motorcycles, aeroplanes or other motor driven vehicles, lights or other instrumentalities or devices so seized to be contraband and directing them to be delivered to the Commission of Game and Fish to be disposed of.

§ 14. Contraband, Game, Seizure and Search: Any bird, fish, animal, game or any part thereof, caught, killed, shipped or had in possession or under control, contrary to any of the provisions of this act, or any other laws of this State relating to fish or game, is hereby declared to be contraband. The Commissioners of Fish and Game, all game wardens, and all other persons so appointed by said Commission, sheriffs, and their deputies, constables and their deputies, and peace officers, shall seize and take possession of any and all birds, game, fish or animals, or any part thereof, which have been caught, killed or had in possession or under control or shipped, contrary to any of the provisions of this act or any other law of this State relating to fish and game. Any court having jurisdiction may, upon complaint showing probable cause for believing that any bird, fish, game or animal or any part thereof, caught, taken, killed or had in possession, or under control by any person or shipped or transported contrary to any of the provisions of this act or of any laws of this State relating to fish or game, is concealed, or illegally kept in any building, car or receptacle, issue a search warrant and cause a search to be made in any such place for any such bird, fish, game or animal, or any part thereof and may cause any building, enclosure or car to be entered and any apartment, chest, box, locker, crate, basket, package, or any other receptacle whatever, to be broken, opened and the contents thereof examined. All such officers taking or seizing any such birds, animals, game or fish, or any part thereof, shall at

once report all the facts attending the same to the Game and Fish Commission.

§ 15. Contraband Devices: All nets, seines, lanterns, snares, devices, contrivances, materials, guns, dogs, boats, automobiles or other motor propelled vehicles, while in use, or had or maintained, for the purpose of catching, taking or killing or attracting or deceiving any bird, animal, game or fish, contrary to any provision of this act, or of any law of this act, or of any law of this State relating to fish and game, within the State, or upon or in the boundary waters thereof, including fish houses, enclosures, or other sheltering structures or appliances, erected or maintained upon the ice or in any waters, or on the shores of any lake, pond or stream, is hereby declared to be contraband and is a public nuisance. The Commissioners of Fish and Game, all game wardens, and all other persons so appointed by said Commission, sheriffs and their deputies, constables and their deputies, and peace officers, shall, without warrant or process, take, seize, abate or destroy any and all of the same while being used, had or maintained for such purpose, and no liability therefor shall be incurred by any person.

§ 16. Sale of Contraband: The Game and Fish Commission is hereby authorized to sell to residents of this State at the highest market price obtainable therefor, all furs, fish, game, game animals, birds, guns, dogs, boats, automobiles, motorcycles, aeroplanes, and other motor propelled vehicles, which shall come to their possession as contraband under the order of any court or magistrate or which has been seized under this act and declared to be contraband by this act or any other law of this State relating to fish or game. One-half of the net proceeds of sales shall be paid to the warden or other person appointed by said Commission, sheriff or his deputy, constable or his deputy, or peace officer, who seized said articles of contraband, and the other half of such proceeds thereof shall be turned into the State Treasury and credited to the Game and Fish Protection Fund. A record

of such sales, including the name of the purchaser and the price paid, shall be kept by the Commission. Said Commission shall, before selling, tag or mark the same in a manner determined by it and said Commission shall destroy all nets, seines, traps, lights or other devices and instrumentalities which may come to its possession as contraband under the order of any court or magistrate, or which has been seized under this act, or any other law of this State relating to fish and game, and declared to be contraband by this act, or by any other law of this State relating to fish or game.

§ 17. Re-sale: Fish, game, game animals and birds, or any part thereof, sold pursuant to the terms of the foregoing section shall not be re-sold, offered for sale, or held for the purpose of sale, or otherwise disposed of, to any other person by said purchasers. Said fish, game, game animals and birds shall not be brought or taken into possession by any other person than the purchaser from the Commission.

§ 18. Bonds of Wardens—Conditions of: Before entering upon the discharge of their official duties, each game and fish warden shall give bond in the sum of Five Hundred ($500.00) Dollars, payable to the State of Kentucky with two or more securities to be approved by the Fish and Game Commission, and filed in the office of the Secretary of State, conditioned that he will truly account for and legally apply all money and property which may come into his hands in his official capacity, and that he will faithfully perform all of the duties enjoined upon him by law.

§ 19. Blanks and other Printed Matter Provided: The blanks and other printed matter necessary to carry out the provisions of this act and of the game laws, upon the approval of the Governor, shall be printed under the direction of the Commission, and shall be paid for in like manner and upon the same terms as other public printing.

§ 20. Monthly Statement of Expenses: The executive agent of said Commission shall make out a monthly itemized account of the expenses of the Game and Fish Commission,

including the moneys due himself, fish and game wardens, office assistants and all persons, employed or appointed under this act, and submit the same to the Commission for their approval and upon their approval said Commission shall authorize the Auditor of Public Accounts to draw his warrant on the State Treasurer for the amount to be paid out of the Game and Fish Protection Fund.

LICENSES.

ARTICLE II.

§ 1. Definitions: Whenever used in this act, unless a contrary intention is evident from the context, the word "hunt" shall intend taking, killing, injuring or pursuing with intent to so take, kill or injure, and shall also include chasing with dogs, regardless of intent.

The word "angling" shall intend the taking or attempting to take or lure fish by means of pole and line, hand line, set line or trot line.

The word "seining" or "netting" shall intend the taking or attempting to take fish by means of a seine or hoop net without wings.

The word "trapping" shall intend the taking, killing or injuring or attempting to take, kill or injure by any means other than by gun fired from the shoulder or dogs.

§ 2. Licenses: Unlawful to Hunt, Angle, Seine, Net, Trap without: It shall be unlawful for any person to hunt, angle, seine, net or trap or to take, kill, injure or pursue any game bird, game animal or fish without first having procured an appropriate license so to do. All licenses shall be dated when issued and shall authorize the person therein named and described to exercise the privilege therein specified during that calendar year, but then only according to the regulations and restrictions provided by law. All licenses shall be consecutively numbered when printed and the resident and non-resident blanks shall be furnished by the Game and Fish Commission to the County Clerks of the various counties. How-

ever, nothing in this act shall be construed to prevent any non-resident from participating in any regularly advertised field trial, without procuring a license.

§ 3. Licenses—Resident: Any person who has been a bona fide resident of this State for six months then last past, may procure a license for himself by filing his affidavit with the Clerk of the County Court in the County of his residence, stating his name, age, residence, postoffice address, height, weight, color, color of his hair, and the fact whether he can write his name. The cost to such applicant shall be as follows, to-wit:

For license authorizing him to hunt in all counties	$1.25
For license authorizeing him to angle in all public waters	1.25
For license authorizing him to trap in all counties	5.25
For license authorizing him to seine and net as hereinafter specified, (inc. metal tax for one net not exceeding 100′ in length)	5.25

and ($1.00) for each additional tag to be used as hereinafter provided.

§ 4. Licenses—Non-Resident: Any person who has not been a bona fide resident of this State for six months then last past, may procure any or all of the licenses mentioned in the preceding section in the same manner therein provided, except that the cost of such non-resident licenses shall be as follows, to-wit:

For hunting license	$15.25
For angling license	2.25
For trapping license	10.25
For seine or net license	10.25

and $2.00 for each additional metal tag to be used as hereinafter provided.

§ 5. Licenses—County Clerk to Issue: The County Clerk shall issue all licenses in the two preceding sections mentioned, under the seal of his office, to all persons complying with the provisions of this act, and shall sign the same and shall require the person to whom the license is issued to

immediately sign his name thereon, or if said applicant's affidavit state that he can not write his name, then to impress with ink his thumb print thereon in lieu of such signature. Said Clerk shall keep a correct and complete record of all licenses issued in a book to be furnished by the Game and Fish Commission, which record shall remain in his office and be open to public inspection at all reasonable times.

§ 6. Money Received from License—How Disposed of: The County Clerk shall retain of the money received for such license issued the sum of twenty-five (25c) cents, which shall cover the swearing of the applicant of the affidavit referred to in this act and all other services under this act, and shall pay the balance to the State Treasurer, on the first of each month, which amount shall be converted into the Game and Fish Protection Fund and the said County Clerk shall report to the said Game and Fish Commission on the first day of each month the number of licenses issued and the amount of money remitted to the State Treasurer.

§ 7. Licenses—Legal Hunting, Angling, Seining, Netting, Trapping without: Nothing in this enactment shall be construed to prevent any citizen of the United States, resident in this Commonwealth, from having a gun in his home; or from using such gun in defense of either person or property or from shooting at targets; or to prevent any bona fide owner or any bona fide lessee of lands, or any member of the family and household or regularly hired help of such owner or lessee, if such person is a citizen of the United States, actually residing upon and cultivating such lands, from hunting, angling, or trapping thereon, nor from seining or netting in any private pond that may be thereon, without securing licenses provided for in the preceding sections, and nothing herein shall be construed to prevent any person under sixteen years of age from angling without license.

§ 8. Licenses Printed on Distinctive Colors: The licenses and tags mentioned in the next section for residents and non-residents shall be printed on distinctive colors.

§ 9. License—Tag: The Game and Fish Commission shall also furnish, free of charge, and the County Clerk shall issue with each license a tag bearing the license number in figures at least one inch in height, which tag said licensee shall display on the outer garment, on the back between the shoulders, in such a manner that all figures are plainly visible at all times while exercising the privilege for which said license is taken. The license tag for the current year only shall be displayed. In case of loss or destruction of such license tag a duplicate may be obtained from the Game and Fish Commission, upon the filing with said Commission by the applicant, his affidavit showing the circumstances of such loss or destruction, accompanied by the license, upon the payment of Fifty (50c) cents.

§ 10. Report of Licensee: No later than thirty (30) days after the expiration of any resident or non-resident hunter's or trapper's license, issued under the provisions of this act, it shall be the duty of the licensee to forward to the Game and Fish Commission at Frankfort, on a form attached to such license, or on a form supplied by the Commission upon request if the original form has been mislaid, lost, or destroyed, a report of all game killed or taken by such licensee during the period for which said license was issued.

§ 11. License Delivered to and Returned by County Clerks: The Game and Fish Commission shall deliver to each County Clerk in the state, ten days before the first day of January in each year, as many licenses and tags as may be required and shall charge said clerk with the number issued to him. On the fifteenth day of January in each year and within ten days thereafter each county clerk shall return to the Commission all unused licenses and tags and stubs of licenses used for the preceding year, and upon failure to make said return, such clerk shall be guilty of a misdemeanor, and upon conviction, fined not less than twenty-five ($25.00) dollars nor more than one hundred ($100.00) dollars.

§ 12. Game and Fish Protection Fund—Created and Disposed of: All moneys sent to the State Treasurer in payment of licenses, contraband, fines, penalties and forfeitures arising from the fish and game laws of this state shall be set aside by the State Treasurer, shall constitute a fund known as the Game and Fish Protection Fund for the payment of the Game and Fish Commission's necessary and incidental expenses; also the payment of the salaries and traveling expenses of the fish and game wardens, the executive agent, office assistants, and other persons appointed or employed by said Commission and for expenses incurred for any purposes or in consequence of this act and not otherwise provided for. The expense incurred for any purpose or in consequence of this act shall be limited to the amount of money in the Game and Fish Protection Fund, and in no event shall the state pay any such salaries or expenses or be liable in any manner therefor except to the extent of such Game and Fish Protection Fund, and the State Auditor shall not issue any voucher or warrant for any service or expenses of any kind unless the money to pay vouchers shall, at the time, be on hand in the State Treasury to the credit of the Game and Fish Protection Fund.

§ 13. License—False Statement in Procuring, Altering or Transferring: No person shall make to an officer authorized to issue licenses, under this act, a false statement, or change or alter his license in any manner, or lend or transfer same to any other person.

§ 14. License to be Carried on Person: No person to whom a license is issued under the provisions of this act shall be entitled to exercise the privilege therein given, without at the time having his license in his possession and on his person ready to exhibit same to any person demanding to see same.

§ 15. Penalties: Any person who violates any of the provisions of this article, excepting section 11 thereof, shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than fifteen ($15.00) dollars nor more than

one hundred ($100.00) dollars, to which may be added a jail sentence not to exceed thirty (30) days.

GAME ANIMALS AND GAME BIRDS.

ARTICLE III.

§ 1. Wild Turkeys, Pheasants, Hungarian Partridge: No person shall catch, kill, injure, or pursue or have in possession after it has been caught or killed, whether caught or killed in this state or any other state, county or place, any wild trukey, pheasant or Hungarian partridge or any part thereof, before the 15th day of November, 1930, and on and after November 15, 1930, no person shall catch, kill, injure or pursue, or have in possession after it has been so caught or killed whether caught or killed in this state or any other state, country or place, any wild turkey, pheasant or Hungarian partridge, or any part thereof, between the second day of January and the 14th day of November, both days inclusive, in any year. However, during any open season, it shall be unlawful for any person to kill, catch, injure, pursue or have in possession more than two wild turkeys or parts thereof in any one year, or more than two pheasants or partridges or parts thereof in any one day, except that any person having hunted two or more days in succession may have in possession a total not to exceed two pheasants or Hungarian partridges lawfully killed by himself for each day during such hunt.

§ 2. Woodcock—When Unlawful to Catch or Kill: No person shall, between the second day of January and the 14th day of November, both days inclusive, in any year, catch, kill, injure or pursue with such intent, any woodcock, or have in possession any woodcock or any part of any woodcock, dead or alive, no matter when or where caught or killed, whether caught or killed in this state or in any other state, territory, country or place. However, during any open season it shall be unlawful for any person to catch, kill, injure, or pursue or have in possession after they have been caught or killed, whether caught or killed in this state or elsewhere, more than

six woodcock, or parts thereof, in any one day, except that any person having hunted two or more days in succession may have in his possession a total not to exceed six woodcock lawfully killed by himself for each day during such hunt.

§ 3. Quail or Bobwhite—When Unlawful to Catch or Kill: No person shall, between the second day of January and the 14th day of November, both days inclusive, in any year, catch, kill, injure or pursue with such intent, any quail or bobwhite, or have in possession any quail or bobwhite, or any part of any quail or bobwhite, dead or alive, no matter when or where caught or killed, whether caught or killed in this state or any other state, territory, country or place; however, during any open season it shall be unlawful for any person to catch, kill, injure or pursue, or have in possession after they have been caught or killed, whether caught or killed in this state or elsewhere, more than twelve quail or bobwhite in any one day, except that any person having hunted two or more days in succession may have in his possession a total not to exceed twelve quail or bobwhite lawfully killed by himself for each day during such hunt, except that it shall be unlawful for any person to kill, catch, injure or pursue or have in possession after same have been caught or killed, whether caught or killed in this state or elsewhere, a total exceeding one hundred quail or bobwhite in any one year, provided, further, that no quail shall be caught with traps at any time.

§ 4. Doves—When Unlawful to Catch or Kill: No person shall, between the 16th day of December and the 31st day of August, both days inclusive, in any year, catch, kill, injure or pursue with such intent, any dove, or have in possession any doves or any part of any dove, dead or alive, no matter when or where caught or killed, whether caught or killed in this or any other state, territory, country or place. However, during any open season it shall be unlawful for any person to catch, kill, injure or pursue or have in possession after they have been caught or killed, whether caught or killed in this

state or elsewhere, more than fifteen doves in any one day, except that any person having hunted two or more days in succession may have in possession a total not to exceed fifteen doves lawfully killed by himself during such hunt. It shall be unlawful for any person at any time to catch, kill, injure, or pursue any dove after five o'clock in the evening.

§ 5. Water Fowl, Migratory Birds and Game Birds: No person shall, between the first day of February and the 31st day of October, both days inclusive, in any year, catch, kill, injure or pursue or have in possession, any water fowl, migratory bird or any other game bird not specifically mentioned in the preceding sections of this Article, or any part of such bird, dead or alive, no matter when or where caught or killed, whether killed in this state or elsewhere. However, during any open season it shall be unlawful for any person to catch, kill, injure or pursue, or have in possession after they have been caught or killed, whether caught or killed in this state or elsewhere, in any one day, more than twenty-five wild ducks, eight wild geese, twenty-five snipe, eight brant and twenty-five rails, coots or gallinules, except that any person having hunted two or more days in succession may have in his possession a total of the above mentioned birds lawfully killed by himself during such hunt, not to exceed the above respective bag limits for each day of such hunt. Provided, however, that it shall be unlawful for any person to have in possession for ten days next succeeding the close of the season such birds as were lawfully in his possession on the last day of the open eason.

§ 6. Deer and Elk: No person shall, before December 20, 1930, hunt, catch, kill, injure or pursue any deer or elk, and on and after December 20, 1930, no person shall hunt, kill, injure or pursue any deer or elk between the 26th day of December and the 19th day of December, both days inclusive, in any year. However, during the open season no person shall hunt, kill, catch, injure more than one deer and one elk in any one year.

No person owning, controlling or having in his possession any dog or dogs, shall suffer, permit or allow such dog or dogs to run, track, trail or injure any deer or elk at any time, and any dog or dogs used, attempted to be used for or found running, chasing, tracking, trailing or injuring any deer or elk, are hereby declared to be a public nuisance, and it shall be lawful for any person to kill such dog or dogs.

Any person who shall kill or wound a tame or pet deer, not his own, having a bell or collar on, in addition to the punishment provided by this act, shall pay the owner three times the value of such deer.

§ 7. Squirrels—When Unlawful to Catch or Kill: No person shall, between the 16th day of December and the 30th day of June, both days inclusive, in any year, catch, kill, injure or pursue with such intent, any squirrel, or have in possession any squirrel or any part of any squirrel no matter when or where caught or killed, whether caught or killed in this state, or any other state, territory, country or place. However, during any open season it shall be unlawful for any person to hunt, catch, kill, injure, pursue or have in possession more than ten squirrels in any one day, except that any person having hunted two or more days in succession may have in his possession a total of not to exceed ten squirrels for each day lawfully killed by himself during such hunt.

§ 8. Rabbits and Hares: No person shall, between the second day of January and the 24th day of November, both days included, in any year, catch, kill, injure or pursue, with such intent, any hare or rabbit, nor have in his possession during said period any hare or rabbit, or any part thereof, whether caught or killed in this state or elsewhere. However, during any open season, it shall be unlawful for any person to catch, kill, injure, or pursue more than ten rabbits or hares in any one day, except that any person having hunted two or more days in succession may have in possession a total not to exceed ten rabbits or hares for each day, lawfully killed by himself during such hunt.

It shall be unlawful at any time for any person to catch, kill, take or injure any rabbit or hare by means of ferrets, snares or traps. However, written permit may be given by the Game and Fish Commission to allow during the closed season the running of field trials for rabbit dogs and beagle hounds, and for the training of such dogs.

§ 9. Lawful Manner of Taking Game: The birds and animals mentioned in the eight preceding sections may be taken during the open season with a gun fired from the shoulder, from land or water, with or without the aid of dogs and decoys, blinds and floating devices from one-half hour before sunrise to five o'clock in the evening, except that it shall be unlawful for any person at any time to shoot, hunt, take, catch, kill, injure or pursue any game from any boat under sail, power boat, aeroplane, automobile, motorcycle, or other motor driven vehicle.

§ 10. Unlawful to Sell or Buy: It shall be unlawful for any person to, or attempt to, or offer to buy, sell, barter, or trade, or expose for or have in possession for sale, barter or trade, any bird or animal, or any part of any bird or animal, mentioned in this Article, no matter when or where caught or killed, whether in this state or elsewhere, provided, however, that rabbits and squirrels lawfully killed and had in possession may be sold during the open season.

§ 11. Transportation or Possession Unlawful Except as to Hunters: It shall be unlawful for any firm, association, corporation, express company, transportation company or an any other common carrier, or any of its officers, servants or agents or any other person to receive for transportation or transport, or to carry, or cause to be carried or transported or have in possession with the intention to transport or carry, or to deliver or offer to deliver, for, or secure the transportation or carrying of, within this state or confines thereof, or out of this state, any part of any bird or animal mentioned in this article, provided, however, that it shall not be unlawful for any person, firm, association,

corporation or transportation company, or other common carrier, to transport a hunter with his game lawfully killed and possessed by him. Provided, further, that it shall not be unlawful for any person, firm, association, corporation, transportation company, or any other carrier, to transport, carry or ship any birds or animals provided for in this section, which have been raised in captivity, or which have been purchased in this state, or other states for propagation when the package containing their bodies or parts thereof are clearly marked and contain thereon in a conspicuous place a permit from the Kentucky Game and Fish Commission covering their transportation. Provided, further, that no permit shall be issued covering transportation except where birds are to be used for propagation purposes, or where they have been raised in captivity from breeding stock lawfully acquired.

§ 12. Domesticated Game Birds and Game Animals—Permit for Holding in Captivity: That all game birds and game animals reared or bred in captivity, shall be considered domesticated stock and the owners, or raisers thereof may keep, sell, ship, transport or otherwise dispose of them, and such stock shall not be affected or covered by the law prohibiting or regulating the killing, possession or disposition of game birds or game animals, when the breeders or owners thereof have a permit for the keeping, selling, shipping, transportation, or otherwise disposing of them. Such permit shall be issued by the Game and Fish Commission upon application and shall be granted where the said birds or animals have been lawfully acquired or raised. Provided, that the body or dead parts thereof of any bird or animal, lawfully reared in captivity, may be sold when such animal or bird or part thereof is marked with a metal tag, said tag to be furnished by the Game and Fish Commission upon application, and no charge shall be made except for actual cost of said tag or tags.

§ 13. Song, Insectivorous and Wild Birds: It shall be unlawful at any time for any person to catch, kill, pursue or have in possession after same has been caught or killed, any

song, insectiverous or wild bird, other than game and unprotected birds, and no person shall rob or destroy the nest or eggs of any wild bird whatsoever, excepting those of unprotected birds.

§ 14. Foxes: It shall be unlawful at any time to hunt or chase foxes with dogs and same shall be considered, and for the purposes of this act is now declared to be, hunting so as to require the hunting license provided for in Article II of this Act.

§ 15. Public Game Refuge or Private Game Enclosure—Unlawful to Enter: It shall be unlawful for any person, other than the owner thereof, to break or enter into any privately owned enclosure, or public game refuge, and any person convicted of violation of this section, in addition to the penalty imposed by this act, shall pay to the state or to the owner of such private or public preserve three times the amount of damage sustained by such unlawful act.

§ 16. Penalty: Any person who shall violate any of the provisions of this Article shall be deemed guilty of a misdemeanor and upon conviction of each offense, shall be fined not less than fifteen ($15.00) dollars nor more than one hundred ($100.00) dollars, to which may be added imprisonment in the county jail for any period not exceeding thirty (30) days.

§ 17. Possession Within Prohibited Time—Evidence of Guilt: The possession of any of the animals or birds intended to be protected by this law within the periods for which their killing or pursuit is hereby prohibited shall be prima facie evidence that the said animal, or bird, was unlawfully caught or killed, and the possession thereof unlawful.

§ 18. Each Offense Separate and Punishable—Joinder of Offenses: The unlawful killing, catching, injuring, pursuing, selling, buying, offering or exposing for sale, barter or trade, or possession of each and every one of the animals and birds intended to be protected by this act, and each part of any such birds and animals, shall constitute a separate and distinct offense, and shall be punished accordingly, and two

or more offenses may be joined, in the same warrant or indictment therefor; and the person so offending if convicted, shall be punished for each offense.

FUR BEARING ANIMALS

ARTICLE IV.

§ 1. Unlawful to Trap Without Owner's Consent: No person shall trap or set any steel traps, or dead falls, on the lands of another without the written consent of the occupant (owner or lessee) of said land, and without at the time of said trapping and setting of said steel trap, or dead fall, he has in his possession said written consent and exhibits it to anyone demanding to examine it, and providing further, that any person setting or placing a steel trap on the lands of anotner shall set or place such steel trap eighteen (18) or more inches within the entrance of a hole, cave, or hollow log, so as to be inaccessible to domestic animals, dogs or fowls; and providing further, that any person setting or placing any steel trap or dead fall on the lands of another person shall inspect the same within each thirty-six hours thereafter and shall remove therefrom any animal or fowl caught therein; and providing, further, that any person finding any of the devices mentioned in this section set or placed contrary to the provisions of this act, may seize and destroy any and all devices so found.

§ 2. Traps to be Plainly Marked With Owner's Name and Address: It shall be unlawful for any person at any time to set any steel trap upon his own land or otherwise, or to have in possession or under control any steel trap, unless same shall be permanently and legibly marked with the name and address of the owner of such trap; provided, however, that this section shall not be construed to prohibit dealers from having in possession unmarked steel traps for the purpose of sale.

§ 3. Each Violation a Separate Offense and Punishable —Joinder of Offense: The setting of each separate steel trap

or dead fall contrary to the provisions of sections 1 or 2 of this act shall constitute and be deemed a separate offense, and shall be punished accordingly, and two or more offenses may be joined in the same warrant or indictment therefor, and the person so offending, if convicted, shall be punished for each offense.

§ 4. Catching of Any Domestic Animal, Dog or Fowl—Prima Facie Evidence: The catching of any domestic animal, dog, or fowl, in any steel trap, shall be prima facie evidence that said steel trap was placed and set contrary to the provisions of section 1 of this act and of guilt under said section of this act.

§ 5. Closed Season: No person shall, between the 14th day of January to the 14th day of November, both days inclusive, in any year, take, trap, shoot, kill, wound or capture, or attempt so to do, any beaver, mink, raccoon, fox, otter, opossum, skunk or muskrat in this state, except as to foxes as provided in section 14 of Article III; and it shall be unlawful for any person to have in possession, except during the open season and for fifteen days thereafter, any of the above mentioned animals or the green pelts thereof, no matter when or where caught or killed.

§ 6. Unlawful to Buy or Sell Skins Illegally Taken: It shall be unlawful for any person to buy, sell, barter, trade or offer or expose for barter or trade, or have in possession for barter or trade, or to ship any fur bearing animals, or any part thereof, knowing the same to have been unlawfully taken.

§ 7. Illegal Methods of Taking Fur Bearing Animals: In the taking or killing of fur bearing animals, it shall be unlawful to use poison, explosives, electricity or chemicals, or to smoke out or dig out any den or house of any kind, or to cut den trees.

§ 8. Disturbing Traps of Another: It shall b eunlawful for any person to disturb the lawfully set traps of another, or to take a fur bearing animal from such traps of another, unless specifically authorized by the owner. Any person taking

a lawfully set trap or taking a fur bearing animal from such trap set by another, is guilty of larceny of personal property and punishable accordingly; provided, however, that any person destroying or disturbing the trap of another shall have the burden of proving that such trap was illegelally set.

§ 9. Article Not to Apply to Commission or to Prohibit Killing When Destructive to Property: Nothing in this Article relating to the taking, killing, buying, selling or possession of fur bearing animals shall apply to the Game and Fish Commission, or any of its officers or agents, while acting for the Commonwealth; provided, however, that when any of the animals mentioned in this Article are found injuring, or doing damage to or destroying any property, may at any time kill them on his own premises when necessary for the protection of his property.

§ 10. Each Violation a Separate Offense and Punishable —Joinder of Offense: Each illegal taking, trapping, shooting, killing, buying, selling, shipping or attempt at either, or possession of any of the animals mentioned in this Article, shall constitute a separate offense and shall be punished accordingy, and two or more offenses may be joined in the same warrant or indictment therefor, and the person so offending, if convicted, shall be punished for each offense.

§ 11. Possession—Prima Facie Evidence: The having in possession of any one of the animals mentioned in this Article, or the green or freshly skinned hide or fur thereof, between the 14th day of January and the 14th day of November, both days inclusive, in any year, shall be prima facie evidence of guilt under this Article.

§ 12. Penalty: Any person who shall violate any of the provisions of this Article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifteen ($15.00) dollars nor more than one hundred ($100.00) dollars, to which may be added imprisonment in the county jail for any period not exceeding thirty (30) days.

ANGLING.

ARTICLE V.

§ 1. Lawful Manner of Taking Fish From Public Waters: It shall be unlawful for any person to take or attempt to take from any water of the Commonwealth, except private ponds, any fish except by the use of poles and lines. hand lines, set lines or trot lines, excepting as provided for in Article VI, provided, however, minnows for bait may be caught as provided in section 6 of this Article.

§ 2. Unlawful Contrivance for the Capture of Fish or Preventing Their Passage in Streams: It shall be unlawful for any person or persons to catch or attempt to catch any fish in any of the waters of the state, except private ponds, by the use of a wing net, set net, seine, trap, trammel net, dip net, or any other kind of a net or contrivance, for the purpose of catching fish, or that will materially hinder the passage of fish in such water, except as provided in Article VI and in section 6 of this Article.

§ 3. Shooting Into Water Prohibited: It shall be unlawful for any person to shoot into any of the waters of this Commonwealth, except private ponds, with a gun or pistol loaded with a common lead ball, shell or copper jacket ball, or any other substance, or with a bow and arrow, or with any other device.

§ 4. Illegal Devices and Methods of Taking Fish: It shall be unlawful for any person to take or attempt to take, from any of the waters of this Commonwealth, except private ponds, any fish with a gig fork or spear, or loop of wire or other substance, or by fishing under the rocks, groping, cooning, grabbing or tickling, or catching in any manner with the hands, unless said fish shall first be lawfully caught by pole and line, hand line, set line or trot line.

§ 5. Illegal Taking of Fish by Use of Sledge or Other Device: It shall be unlawful for any person to injure, shock, stun, catch or kill or attempt to catch or kill, any fish in any of the waters of this Commonwealth other than private ponds,

by striking on the water, rocks or ice, or by using any sledge or other similar device or contrivance.

§ 6. Lawful Manner of Catching Bait to be Used for Fishing Purposes: Any person or persons may take from any of the public waters of this state minnows to be used for bait for fishing with pole and line, hand lines, set lines, or trot lines; provided, however, if any fish are caught while seining for bait, it will be a misdemeanor if such fish are not, without injury, immediately returned to the water from which taken, provided, however, that for the purpose of taking bait the seine or net used shall not exceed ten feet in length, four feet in width and shall not have a mesh smaller than one-quarter of an inch in diameter.

§ 7. Closed Season: It shall be unlawful for any person to catch or take, or attempt to catch or take from any of the waters of this Commonwealth, except private ponds, any fish, between the 5th day of April and the 20th day of May, both days inclusive, in any year, by any means whatsoever.

§ 8. Bass—Size Limit: No person shall catch or kill, or attempt to catch or kill, or have in possession after it has been caught or killed, whether caught or killed in this state or elsewhere, any small mouth or large mouth black bass less than nine inches in length, provided this section shall not apply to a person who, having caught any bass less than the size permitted, returns such fish immediately in the condition it was caught to the waters from which it was taken; and provided further, that this section shall not apply to fish in private ponds.

§ 9. Injuring Fish Pond—Fishing in Private Pond Without Leave: It shall be unlawful for any person to break, cut down, damage or destroy any head or dam of any pool, lake, pond, moat, stew, stagnant or pit, wherein fish are or shall be put or stored by the person in possession thereof; and it shall be unlawful for any person without permission to fish in any of the places above mentioned. Any person convicted of a violation of this section, in addition to the penalties

hereinafter provided, shall pay to the aggrieved party treble the damage sustained.

§ 10. Fish Ladders or Roads to be Constructed Across: All persons owning dams constructed across any stream in this Commonwelath, where the annual tides in said streams are not sufficiently high to admit the pasage of fish over said dams, shall be required to erect and maintain over said dams during the months of April, May and June of each year fish ladders or roads, constructed in such manner as to allow the passage of fish over said dams. This act shall not apply to locks and dams constructed across large rivers to facilitate navigation. Nor shall this act apply to dams constructed in streams for the purpose of generating, by water power, electricity for distribution and sale for light, heat, power and other purposes, where the height or type of such dam or dams is such that the erection and maintenance of fish ladders or roads thereover would not be effective for the purpose of allowing the passage of fish over said dams.

§ 11. Dynamite or Explosive Agent—Penalty for Using: Any person who shall place or cause to be placed in any of the public waters of this Commonwealth, any dynamite, or other explosive, or electricity, or any liquid, berries, powder, medicine or other substance or thing, to explode or cause to be exploded any substance whereby fish, great or small, may be sickened, intoxicated, stunned or killed, or the water rendered unfit for use, or stench produced, shall upon conviction be fined one hundred ($100.00) dollars and confined in the county jail for a period of thirty (30) days for each offense.

In prosecutions under this section it shall be unnecessary to prove that such substances or acts have actually caused the injury or death of any fish.

§ 12. Penalty for Obstructing Streams by Dams: That it shall be unlawful for any person to obstruct any stream or erect any dams below ten miles from the head of said streams in this Commonwealth, which is navigable for the running of push boats, floating of saw logs, staves or ties, by

erecting any dams or other obstructions or refusing to remove same, which have heretofore been erected not in accordance with the statutes of this Commonwealth; and any person so offending shall, upon conviction, be fined not less than fifty ($50.00) dollars nor more than five hundred ($500.00) dollars for eath offense, but this act shall not apply to dams constructed in streams for the purpose of generating, by water power, electricity for distribution and sale for light, heat, power or other purposes.

§ 13. Fines and Penalties: Any person violating any of the provisions of this Article other than sections 11, 12 and 15, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than fifteen ($15.00) dollars nor more than one hundred ($100.00) dollars, to which may be added imprisonment in the county jail or workhouse for a period not exceeding thirty (30) days, for each offense.

§ 14. Each Violation Separate Offense—Joinder: Each fish illegally taken and each day on which a violation of this Article is perpetrated, shall constitute a separate offense, and two or more offenses may be joined in the same warrant or indictment therefor, and the person so offending, if convicted, shall be punished for each offense.

§ 15. Fish Traps: It shall be unlawful for any person to erect, or cause or permit to be erected in any of the waters of this Commonwealth other than private ponds, and trap or other structure which may catch or hinder the passage of fish and the owner of any dam, weir or breakwater in this Commonwealth, shall immediately, upon notice to him, remove or destroy any such structure attached or constructed near such dam, weir or breakwater; and the owner of the abutting land to a stream wherein such trap or structure is located, shall immediately, upon notice to him, remove or destroy same.

Any person violating any part of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five ($25.00) dollars nor more than one hundred ($100.00) dollars, or imprisoned in the

county jail or workhouse for any period not exceeding thirty (30) days, or both, for each offense.

Each fish caught in any such trap or structure, each trap or structure so erected or permitted, and each day such trap or structure is allowed to remain by the owner of such dam, weir or breakwater, or the owner of such abutting land, after notice, shall constitute a separate offence and two or more offenses may be joined in the same warrant or indictment, and the person so offending, if convicted, shall be fined and punished for each offense.

SEINES AND NETS

ARTICLE VI.

§ 1. Navigable Streams—Definition: A navigable stream within the meaning of this act, is a stream which has been improved by locks and dams and a non-navigable stream is one which has not been so improved.

§ 2. Lawful Manner of Taking Fish: That it shall be lawful for anyone to take or catch by the use of seines or hoop nets without wings, the mesh thereof to be not less than one and one-half inches in diameter, any fish from the streams forming the boundary or any part of the boundary between this state and the other state or states and from the navigable streams of this state, which is under lock and dam as defined by section 1 of this act, any fish with seines or hoop nets without wings, the mesh thereof to be not less than two inches in diameter. Provided, further, that no person shall catch or attempt to catch any fish by seines or nets or place any seines or nets in any of these streams within two hundred yards of the mouth of any navigable stream within the state nor within two hundred yards of any lock or dam located on such stream or streams nor above the last lock and dam in any navigable stream. It shall also be unlawful for anyone to operate or have in possession any seines or nets pursuant to the provisions of this act unless such person or persons hall have procured a license so to do and a metal tag for the use or

possession of each net or seine and complied with the provisions hereinafter set out. Provided, further, that any large or small mouth black bass, if caught in seines or nets, shall be immediately returned without injury to the water from which taken; provided, further, that no fish shall be caught or taken under the provisions of this act, between the 5th day of April and the 20th day of May, both days inclusive, in any year, and provided, further, that nothing in this act shall be construed to prevent dealers or manufacturers from having seines or nets in possession for the purpose of sale, or to prevent the owner of any private pond from having seines or nets in possession for use in such pond only.

§ 3. No Person Shall Seine or Net Fish or Have Seine or Net in Possession Without License: No person shall be entitled to own or store or have in possession any net or seine or to use the same for fishing in the streams above mentioned unless he has first procured his license and attached a metal tag to each net or seine as provided for in this act, whether said net or seine is in use or not, except as provided for in section 2 as to dealers and manufacturers, and owners of private ponds.

§ 4. Transfer or Loan of License or Tag Prohibited: No person shall lend, sell or in any way transfer his license or tags to another.

§ 5. Tags to be Attached to Nets and Seines: It shall be the duty of any person purchasing a license to seine or net to immediately attach to said seine or net the metal tag or tags issued to him at the time his license was procured.

Each seine or net shall require one tag for each hundred feet of length and fraction thereof, and said tags shall be attached to such seines and nets at all times, whether in use or not.

In the event any tag shall be lost, mutilated or destroyed, no duplicate shall be issued, but it shall be the duty of the owner of such seine or net to immediately present his license to the clerk who issued it, and procure from him another tag

to replace the one so lost, mutilated or destroyed, paying therefor the amount provided for in sections 3 and 4 of article II for additional tags.

§ 6. Penalty: Any person who violates any of the provisions of this article shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five ($25.00) dollars nor more than one hundred ($100.00) dollars, to which may be added imprisonment in the county jail or workhouse for a period not to exceed thirty (30) days.

§ 7. Separate Offenses—Joinder: Each fish illegally taken in violation of this Article, each seine or net illegally used or had in possession in violation of this Article, and each day in which such seine or net is used in violation of this Article, shall constitute a separate offense, and shall be punished accordingly and two or more offenses may be joined in the same warrant or indictment therefor, and the person offending, if convicted, shall be fined and punished for each offense.

GENERAL PROVISIONS.

ARTICLE VII.

§ 1. Definitions: Whenever used in this act, unless a contrary intention is evident from the context, the word "person" shall include individuals, partnerships, associations and corporations; the singular shall include the plural; the masculine, the feminine and neuter.

The word "Commission" shall mean the Game and Fish Commission.

The word "Executive Agent" shall mean the Executive Agent of the Game and Fish Commission.

The term "game birds" shall include (a) the anatidae, commonly known as swan, geese, brant and ducks; and (b) the pygopodes, commonly known as loons and grebes, the members of the two orders being commonly known as wild water-fowl; (c) the vallidae, commonly known as rails, coots, mud-hens, and gallinules; (d) the limicolae, commonly known

as shore birds, plover, surf-birds, snipe, woodcock, sandpipers, tattlers and curlew; (e) the gallinae, commonly known as wild turkey, grouse, pheasants, partridges and quail; and (f) the birds commonly known as reed birds and blackbirds.

The term "game animals" shall include deer, bear, opossum, rabbit, hare, squirrel, fox and raccoon.

The word "game" shall include "game animals" and "game birds."

The term "fur-bearing animals" shall include the mink, fox, muskrat, opossum, otter, raccoon, skunk and beaver.

The term "unprotected birds" shall include the English or European house sparrow, sharp-shinned hawk, Cooper's hawk, redtailed hawk, red shouldered hawk, goshawk, broad winged hawk, marsh hawk, rough legged hawk, duck hawk, pigeon hawk, great horned owl, barrel owl, great gray owl, snorry owl, hawk owl and the crow and the crow black bird.

§ 2. Short Title: This act shall be known and may be cited as "The Game and Fish Code."

§ 3. Effect on Existing Laws: The provisions of this act, so far as they are the same as those of existing laws, shall be construed as a continuation of such laws and not as new enactments. The repeal by this act of any provision of law in conflict with it shall not revive any law heretofore repealed or superseded; nor shall such repeal affect any act done, liability incurred, nor any right accrued or vested, nor affect, abate or prevent any suit or prosecution pending or to be instituted to enforce any right or penalty or punish any offense under the authority of such repealed laws.

§ 4. Constitutionality: The provisions of this act shall be severable, and if any of its provisions shall be held unconstitutional, the decision of the court shall not affect the validity of the remaining provisions of this act. It is hereby declared as a legislative intent that this act would have been adopted by the General Assembly had such unconstitutional provisions not been included therein.

§ 5. Cost of Prosecution—How Taxed. When an arrest for the violation of the Fish and Game Laws of this state is made by the Commission, its executive agent, or by any warden or person appointed by said Commission, sheriff or his deputies, constable or his deputy, or peace officer and the defendant is convicted there shall be taxed as cost in favor of such Commission, executive agent, warden or other person or officer making the arrest the same fee as constable is entitled to in misdemeanor cases, and if collected from the defendant shall be paid over to said Commission, executive agent, warden or other person or officer, and shall be his personal perquisite. No fee shall be allowed in case of acquittal.

§ 6. Fines and Penalties—Distribution of: After payment of the percentage of fines allowed by law to other officers, one-half of the remainder of all fines, forfeitures and penalties collected under this act or any other law of this state relating to fish and game, shall be paid to the executive agent, warden or other person appointed by the Commission, sheriff, or his deputy, constable or his deputy, or peace officer, securing the apprehension and conviction. In case of conviction a fee of five ($5.00) dollars shall be assessed as costs, and it shall be the duty of the trial judge to collect this sum from the defendant and pay it to the person securing the apprehension and conviction of the parties convicted for violation of the game and fish laws. Such money shall be paid by the court collecting the same and the remainder shall be forwarded to the State Treasurer and credited to the Fish and Game Protection Fund.

§ 7. Fines, Penalties and Forfeitures—Disposition of: All moneys collected from fines, penalties and forfeitures under this act or any other act of this State relating to fish or game shall belong to the State Game and Fish Protection Fund with the exception of that part, which under this act, belongs to the executive agent, wardens and other persons appointed by said Commission, and public officers, shall be paid over by the officer authorized to collect said money to the

State Treasurer or on before the first day of each month, and shall be credited by him to the Game and Fish Protection Fund. The State Treasurer shall report on the first day of each month to the Game and Fish Commission the exact amount of money to the credit of the Fish and Game Protection Fund.

§ 8. Fines to be paid in Currency: All fines imposed under the provisions of this act or under any other law of this State relating to fish and game shall be paid in lawful money, that is to say, the currency of the United States of America.

§ 9. Fines—Failure to Pay: Upon the failure of any person convicted of a violation of any of the laws of this Commonwealth pertaining to fish or game, to immediately pay the fine imposed and costs of prosecution, he shall be imprisoned one day for each dollar and a half ($1.50) of fine imposed and costs of prosecution.

§ 10. Judges—Special Charges as to Game and Fish Laws: The circuit judges shall give the grand juries, when organized, the provisions of the Game and Fish laws strictly in charge and shall urge strict inquiry into infractions thereof.

§ 11. County Courts, Police Courts, Magistrates—Concurrent Jurisdiction with Circuit Court: That the county courts, police courts and magistrates' courts of the respective counties of the State wherein any of the offenses herein enumerated are committed shall have jurisdiction concurrent with the circuit court to try such offenses and assess fines for the same.

§ 12. Duties and Powers of Courts: Any county judge, justice of the peace or police or other magistrate, upon receiving sufficient proof by affidavits that any of the provisions of this chapter have been violated by any person being temporarily within his jurisdiction, but not residing therein permanently, or by any person whose name or residence is unknown, is hereby authorized and required to issue his warrant for the arrest of such persons, and cause him to be held to bail to answer the chages against him; and any such justice or

magistrate, upon receiving proof or having reasonable grounds to believe that any game mentioned in this chapter is concealed during any of the periods for which the possession thereof is prohibited, shall issue his search warrant, and cause search to be made in any house, market, boat, box, package, car, or other place, and shall cause the arrest and trial of any person in whose possession such game is found.

§ 13. Mayors and Market-masters—Penalty for Officer Failing to do Duty: It is hereby made the duty of the several mayors of the several cities and towns within the Commonwealth to require their respective police or constabulary force, and it is hereby made their duty, as well as the duty of all market-masters or clerks of markets of any cities or towns to diligently search out and arrest or have arrested, as for a misdemeanor, all persons violating the provisions of this chapter by having any game mentioned herein unlawfully in their possession, or offering the same for sale during any of the periods during which the killing of such game is prohibited. And any officer whose duty it is to enforce the provisions of this chapter who shall fail or refuse, upon sufficient information, to discharge the duties imposed upon him by this chapter, shall be held guilty of misfeasance in office, and shall, on conviction thereof, be punished by fine of not less than Fifteen ($15.00) Dollars nor more than One Hundred ($100.00) Dollars, for each offense. Any act conflicting or inconsistent with this act or amendment is hereby repealed.

§ 14. Other Officials—Attorneys: The county attorneys, Commonwealth's attorneys, sheriffs and their deputies, constables and their deputies, and other peace officers, are hereby required, and it is made their duty to enforce the provisions of this act and of all laws of this State relating to fish or game; and the Commission of Game and Fish may employ an attorney or attorneys to perform such legal services as said Commission may require. He shall appear for said Commission in all civil actions in which any of its officers or employes or appointees or wardens may be interested offi-

cially and may assist the county attorney or Commonwealth's attorney in the prosecution of criminal actions arising under this act, or under any law of this State relating to fish or game, and when for any reason the county attorney or Commonwealth's attorney does not prosecute such criminal action he may conduct such prosecution on the part of the State with the same authority as the county attorney or the Commonwealth's attorney. The compensation to be paid said attorney shall be fixed by the Commission and paid out of the funds provided for the enforcement of this act.

§ 15. Execution of Writs: The executive agent of said Commission, all members thereof and wardens and persons appointed by said Commission, shall have full power and authority to serve and execute all warrants and processes of law issued by the court enforcing the provisions of this act or of any other law of this State relating to the preservation, protection and propagation of game or fish anywhere in the State of Kentucky in the same manner as any constable or sheriff may execute the same and for the purpose of enforcing the provisions of this act they may call to their aid any sheriff, deputy sheriff, constable, deputy constable, peace officer or any other person and it shall be the duty of all sheriffs, deputy sheriffs, constables, deputy constables, peace officers, and other persons whenever called upon to enforce and aid in the enforcing of the provisions of this act.

§ 16. Terms Defined—Agency no Excuse: The words "sell" and "sale" as used in this act shall be construed as meaning any sale of or offering to sell or have in possession with intent to sell, use or dispose of the same contrary to law. The word "person" shall be deemed to include partnerships, associations and incorporations and no violation of any provision of this act or any other law of this State relating to fish or game shall be excused for the reason that the prohibited act was done as the agent or employe of another or that it shall be committed by or through an agent or employe of the person charged. The word "possession" shall be deemed to

include both actual and constructive possession as well as the control of the article referred to.

Said amendments as offered by the Committee are as follows, viz.:

1. That the phrase "after five o'clock in the evening," line 14, page 16, of the printed House Bill 21, be amended to read, "after six o'clock in the evening."

That the phrase "before sunrise to five o'clock in the evening" section 9, line 5, page 18, of the bill be changed to read "before sunrise to six o'clock in the evening."

3. That the phrase "between the 5th day of April and the 20th day of May, both inclusive," section 7, line 3 and 4, page 25, be changed to read "during the month of May."

4. That the phrase "between the 5th day of April and the 20th day of May, both days inclusive," section 2, line 23, page 29, be changed to read "during the month of May."

5. That the phrase "or to prevent the owner of any private pond from having seines or nets in possession for use in such pond only," section 2, lines 26, 27 and 28, page 29, be stricken from the bill.

6. That the pharse "and owners of private ponds," section 3, line 7, page 29, be stricken from the bill.

7. That the phrase "between the first day of February and the 31st day of October" on page 16, article 3, section 5, lines 2 and 3, be changed to read "between the 14th day of January and the 1st day of October."

Mr. Strange moved that the House do now resolve itself into the Committee of the Whole House to consider said bill

and for the further purpose of hearing the Hon. George C. Waggoner, Secretary of the Game and Fish Commission, explain and discuss the merits of said bill.

Said motion was agreed to.

Thereupon the Speaker vacated the Chair and designated Mr. Strange as Chairman of the Committee of the Whole House.

After a time the Speaker resumed the Chair and Mr. Strange of the Committee of the Whole House reported that they had had under consideration the bill last above named and that they had reached no conclusion thereon and moved that this House discharge said Committee from further consideration of said bill.

Said motion was agreed to.

Mr. D. F. Brown moved that the House do now recess until one o'clock P. M.

Said motion was agreed to.

The hour of one o'clock P. M. having arrived, the Speaker resumed the Chair and called the House to order.

The amendment as offered by the Committee No. 7, above referred to was agreed to.

Amendments Nos. 1, 2, 3, 4, 5, 6 were disagreed to.

Mr. Belknap offered the following amendment to Amendment No. 3, as offered by the Committee, viz.:

Amend the amendment No. 3 by substituting therefor the following:

That the phrase "between the fifth day of April and the 20th day of May both days inclusive" be made to read "between the fifth day of April and the 29th day of May both days inclusive."

Said amendment to Committee amendment No. 3 was disagreed to.

Mr. Moore offered the following amendment to said bill, viz.:

Amend H. B. 21, page 27, article 5, section 4, by inserting between the word "fish" and the word "and" these words "and are constructed as fish traps for catching fish."

Said amendment was agreed to.

Mr. Hutcherson offered the following amendment to said bill, viz.:

Amend H. B. 21 by adding to section 3 on page 15 of the printed bill the following:

"Provided that the Fiscal Court of any county may, with the approval of the Fish and Game Commission terminate the open season for quail on November 15th, if local conditions, in the opinion of the court, threaten the extermination or the reduction in numbers of these birds to a point detrimental to the agricultural interests of such county."

Said amendment was agreed to.

Mr. Swinford offered the following amendment to said bill, viz.:

Amend H. B. 21, section 1 of article 7 on page 31, line 26 by adding the following words: "And all of hawks named in

this act are hereby declared to be a grave menace to all game birds and domestic fowls and the Game and Fish Commission of this Commonwealth is hereby authorized and empowered to pay in the way of a bounty the sum of not more than one dollar each, for the destruction of any of the said named hawks upon proper proof of the said death or destruction produced before the Fish and Game Commission. Proof of the destruction of the hawk by the person claiming the reward may be produced and taken before the county clerk in the county where such occurred and certified to the office of the Fish and Game Commission."

Said amendment was disagreed to.

Mr. Swinford offered the following amendment to said bill, viz.:

Amend H. B. 21 Section 4 of Article 11 line 6 and change the figures "$15.25" to "$25.25" and in line 7 the figures "$2.25" to "$10.25" and in line 8 the figures "$10.25" to "$25.25" and in line 9 the figures "$10.25" to "$25.25."

Said amendment was agreed to.

Mr. Daniels offered the following amendments to said bill, viz:

Amend H. B. 21 by striking out all of Section 8 of Article III on pages 17 and 18.

Amend H. B. 21 on page 25, in line 3 of Section 7 by adding after the word "pond" the following: "running streams and lakes."

Said amendments were each and severally disagreed to.

Mr. Ryans offered the following amendment to said bill, viz:

Amend H. B. 21 by striking out the whole of line 9, Article II, Section 3, page 10.

Mr. Fowler offered the following amendment to the amendment as offered by Mr. Ryan, viz:

Amend Article II, Section 3, line 9, on page 18, as follows: substitute for the figures "$1.25" the figures "50c."

Said amendment to the amendment of Mr. Ryans was disagreed to.

The amendment as offered by Mr. Ryans was then disagreed to.

Mr. Seale moved that said bill lie on the table.

Mr. Fowler moved that this House do now adjourn.

Said motion was disagreed to.

Mr. Fowler moved that this House do now recess until three o'clock.

Said motion was disagreed to.

The motion of Mr. Seale that said bill lie on the table was then disagreed to.

Mr. Doss moved that said bill be recommitted with leave to report at any time.

Said motion was disagreed to.

Mr. Van Antwerp offered the folowing amendment to said bill, viz:

Amend Section 4, line 14, page 16, by adding the words "or before seven o'clock in the morning."

Said amendment was disagreed to.

Mr. Van Anewerp offered the following amendment to said bill, viz:

Amend H. B. 21 by striking from Section 5, page 2, lines 1 and 2 the following words: "upon the expiration of the term of the present incumbent."

Said amendment was disagreed to.

Mr. Berry offered the following amendment to said bill, viz:

Amend Article III, Section 4, page 15, line 2, by striking out the words "the 31st day of August" and inserting the words "15th day of November."

Said amendment was disagreed to.

Mr. Bowman offered the following amendment to said bill, viz:

Amend H. B. 21 Article IV, Section 5, line 1, by striking out the figures 14 and substituting therefor the figure "1".

Said amendment was agreed to.

Mr. Bach offered the following amendment to said bill, viz:

Amend H B. 21, Section 8 on page 3, by striking from first line the words "and condemn" beginning in seventh line, Article 8, page 3, at the word "if" striking out the remainder of seventh line and all of lines 8-9-10-11 and the first four words of line 12 and also the word "condemn" in line 13. When amended the article will read as follows:

Section 8. Purchase, Lease, Donation of Land and Water: Said Commission is hereby empowered and authorized to acquire in the name of the Commonwealth of Kentucky, by purchase, lease, donation, devise or otherwise, either land or water, or both, for the purpose of establishing a refuge for protecting, preserving, or propagating such varieties of game birds, game animals or fish as said Commission shall deem to be of public value. Real estate or water acquired by purchase, lease or condemnation shall be paid for out of moneys appropriated by said Commission out of the fish and game protection fund, or which have been appropriated for such purposes by the legislature, or which may have been received from any other source for such purposes.

Said amendment was disagreed to.

Mr. Keller moved that the vote by which the amendment as offered by Mr. Berry was agreed to, be reconsidered.

Said motion was agreed to.

Said amendment was then disagreed to.

Mr. Wallen offered the following amendment to said bill, viz:

Amend H. B. 21 by adding after the word "only" in line 28 of page 29 of the printed bill the following words: "provided, however, it shall be lawful for any person to take from

any stream of this Commonwealth with seine or hoop nets without wings, the mesh thereof to be not less than one and one-half inches in diameter, the following kinds of fish: Quill-backs, Suckers, Red Horse, Buffalo, but no such fish shall be taken with seine or hoop nets as provided herein during the months of March, April and May of each year."

Said amendment was agreed to.

Mr. Wallen moved that the vote by which said amendment was agreed to, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Evans offered the following amendment to said bill, viz.:

Amend H. B. 21, article 5, page 25, "Section 7 be stricken therefrom."

Said amendment was disagreed to.

Mr. Evans offered the following amendments to said bill, viz.:

Amend article 3, page 15, section 4, line 2, by striking out the word "December" and insert in lieu thereof "October."

Amend page 18, Section 10, line 6, by striking out after the word "rabbits" the words "and squirrels."

Said amendments were each and severally agreed to.

Mr. Doss moved that this House do now adjourn.

Said motion was disagreed to.

Mr. Fowler moved the previous question.

Said motion was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed said bill was read the third time by its title only and rejected.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	D. W. Fowler	H. J. Meyers
Wm. J. Arvin	Otto C. Gartin	J. S. Milliken
W. B. Belknap	F. A. Gnau	L. P. Murphy
Shaler Berry	C. W. Hawkins	J. L. McDavid
C. H. Berryman	J. M. Hayse	Smith Park
D. F. Brown	H. M. Holbrook	Clint Raymer
Lee Clark	J. C. Hutcherson	Philip J. Ryan
Fred H. Coots	E. M. Johnson	M. G. Slusher
J. L. Cushing	W. W. Johnson	W. R. Smith
C. L. Daly	D. C. Jones	E. J. Snyder
J. R. Dorman	W. O. Keller	Frank L. Strange
E. J. Doss	Thos. H. King	W. S. Wallen
D. E. Edwards	Leon P. Lewis	T. B. Watts
J. O. Evans	Shelby Martin	

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Those who voted in the negative were—

W. B. Ardery	W. P. Bowman	S. J. Bunger
W. O. Bach	Geo. A. Brown	W. A. Carson
A. J. Baldridge	F. W. Bryant	C. B. Carver
J. H. Baughman	J. R. Buckman	W. E. Clark
T. H. Benton	W. G. Buckner	J. D. Cox

J. S. Cruse	Grover C. Johnson	Caleb Page
W. J. Curtis	Mrs. H. G. Jorris	J. J. Patterson
Mormon B. Daniel	J. R. Kelly	Jas. J. Peters
James M. Durham	W. W. Leslie	Geo. W. Potter
R. E. Glenn	J. L. Manning	W. H. Pryor
Whitsett Hall	Joe Martin	Chas. L. Seale
Lawrence Harmon	A. M. Mercer	J. G. Swearengin
J. F. Harrison	T. R. Moore	Mac Swinford
Goebel B. Henson	B. T. Morris	J. L. Valandingham
H. B. Holland	Chas. N. McCarty	Chiles Van Antwerp
S. K. Holland	W. J. McGill	C. D. Vincent
Ira L. Horne	F. T. Nichols	

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Mr. Daniels moved that the vote by which said bill was disagreed to be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Dorman moved that the Rules of this House be suspended and that the call of the committees for reports be taken up from where it was discontinued on yesterday.

Said motion was agreed to.

Thereupon the committees to which same had been referred, reported bills of the following titles, viz.:

By Mr. Cushing of the Committee on Cities of the 2nd and 3rd classes:

S. B. 1. An Act relating to the creation of water districts in counties of the State, and providing for the establishment, construction, or purchase of a water system, for the purpose of furnishing water to the inhabitants thereof; prescribing the methods of expenditures, the assessment and collection of costs and expenses thereof; providing for the appointment

of commissioners and prescribing their duties and providing for the payment of officers and employees, the issuing and selling of district bonds with which to secure funds to defray the costs and expenses of any such improvements, repealing an act, entitled "An Act providing for the creation of water districts, etc., approved March 25, 1924.

H. B. 447. An Act to amend Sections 1 and 4 of Chapter 43 of the Acts of the General Assembly of 1914, relating to the office of stenographer for the county judge, in certain counties, being Section 1061a-1 and 1061a-4, Carroll's Kentucky Statutes, 1922 Edition.

H. B. 265. An Act to amend and re-enact Section 3142b-4 of the Edition of the Kentucky Statutes, compiled and edited by John D. Carroll.

H. B. 357. An Act relating to the construction of streets, alleys, public ways, sewers, or other public improvements in cities of the third class and providing that such cities may issue improvement warrants to contractors as the work progresses, providing for the payment of such warrants and for a lien on the local taxes levied for such improvement to secure the payment of such warrants and providing that the city shall not be personally liable thereon.

H. B. 203. An Act to amend Section 3385 Kentucky Statutes, 1922 Carroll's Edition in relation to appeals from assessments made by boards of supervisors and common council of cities of the third class.

H. B. 338. An Act to repeal Section 3104 of the Kentucky Statutes, Carroll's Edition 1922 relating to the "net revenue" derived by any city of the second class from its water works.

With an amendment thereto by way of substitute therefor.

By Mr. Lewis of the Committee on Codes of Practice:

H. B. 108. An Act to amend section 203 of Code of Practice in criminal cases relating to peremptory challenges allowed defendant in selecting jury.

S. B. 16. An Act to amend and re-enact chapter 44, Acts of 1924, entitled "An Act to repeal and re-enact section 75 of Carroll's Criminal Code of Practice, sixth Edition, 1919."

H. B. 269. An Act providing a manner and method of taking and preserving bail, supersedeas, and replevin bonds executed to the Commonwealth of Kentucky.

With an amendment thereto by way of substitute therefor.

By Mr. Baughman of the Committee on Constitutional Amendments:

S. B. 76. An Act to amend and re-enact section 147 of the Constitution of the Commonwealth of Kentucky.

By Mr. G. A. Brown of the Committee on County and City Courts:

H. B. 322. An Act to repeal and re-enact section 440, Carroll's Kentucky Statutes, 6th Edition, 1922.

H. B. 321. An Act regulating Magistrates Courts as prescribed by section 142 of the Constitution of the Commonwealth of Kentucky.

H. B. 444. An Act to abolish the office of Commonwealth's Attorney, and providing county attorney shall perform services and his compensation therefor.

Without an expression of opinion.

By Mr. Keller of the Committee on Education No. 1:

H. B. 435. An Act to amend, revise and re-enact section 8, Chapter 36, Acts of 1920, being an act entitled "An Act creating a county board of education, prescribing its duties, fixing the tenure of office and compensation of its members, etc.," approved March 22, 1920.

S. B. 24. An Act to amend and re-enact sections 3235a-2, subsection 3, and 3235e-4, subsection 3, of the Kentucky Statutes, Carroll's 1922 Edition, relating to teachers' insurance and annuity of cities of the second class.

H. B. 426. An Act amending Section 6, Chapter 63, Acts of the General Assembly of the Commonwealth of Kentucky for 1924, relating to the certification of teachers.

H. B. 412. An Act providing for the retirement of certain school teachers of this Commonwealth and providing the amount of allowance and by whom and from what funds same is to be paid and the duration of payment.

H. B. 69. An Act to make the common schools of this Commonwealth more efficient, by establishing in each school house public school library.

By Mr. Vallandingham of the Committee on Juvenile Courts and Children's Homes:

H. B. 368. An Act to provide for support and maintenance of destitute mothers and children not entitled to age and schooling certificates.

With committee amendments thereto.

H. B. 417. An Act enabling the fiscal courts or county commissioners of each county to establish and maintain a county Children's Bureau.

H. B. 416. An Act to repeal and re-enact an Act entitled "An Act to create a commission, known as the Child Welfare Commission, and to prescribe its duties and functions," chapter 107, Acts 1922.

By Mr. Ryan of the Committee on Kentucky Statutes:

H. B. 439. An Act to provide for the renewal of franchise of public utility companies of the cities of this Commonwealth other than cities of the first class.

H. B. 271. An Act relating to the payment of County Tax Commissioners.

Without an expression of opinion.

H. B. 56. An Act to regulate boiler construction.

With the committee amendment thereto.

H. B. 367. An Act to amend and re-enact section 3140 3138 Kentucky Statutes, Carroll's 1915 Edition, being a part of the charter of cities of the second class, for the better government administration and disposition and discipline of the police and fire department and to create and perpetuate a pension fund for disabled police and firemen, their widows and children and dependent fathers and mothers, and to create and perpetuate a board of trustees for the management and conduct thereof, and to pension members thereof after service of a term of years.

By Mr. Potter of the Committee on Motor Transportation:

H. B. 454. An Act relating to revenue and taxation in counties, cities, towns and other municipal corporations, providing that no county, city, town or other municipal corporation shall impose a license, excise or privilege tax upon any person, firm or corporation for the privilege of operating motor vehicles.

H. B. 340. An Act to amend and re-enact section 2739g-62 of Carroll's Kentucky Statutes, Sixth Edition, pertaining to motor vehicles.

By Mr. Berry of the Committee on Municipalities:

S. B. 3. An Act to amend and re-enact section 3706 of the Kentucky Statutes, Carroll's 1915 Edition and as re-enacted in the 1922 edition, regulating the improvement of streets, sidewalks, sewers, water mains and public places.

By Mr. Edwards of the Committee on Public Bridges and Ferries:

H. B. 362. An Act enabling cities of the first class, either independently or in conjunction with legally constituted authorities of an adjoining state, to build, construct, operate, and maintain bridges across navigable streams, so as to connect such cities with an adjoining state; providing for a Kentucky Commission in such cities of the first class to build, construct, operate, control and maintain such bridges and fixing the powers and duties of such commission; providing that such bridges may be built, constructed, operated, controlled and maintained by a Joint Commission selected from members of the Kentucky Commission and members of a similar commission from an adjoining state, fixing the powers and duties of such joint commission, providing for and authorizing the voting of a bond issue by cities of the first class, the proceeds therefrom to be used for either building and con-

structing such bridges independently or for building and constructing same in conjunction with legally constituted authorities of an adjoining state.

By Mr. Leslie of the Committee on Public Health:

H. B. 155. An Act providing a change in the requisite qualification of any person desiring to enter Medical School in this Commonwealth for the purpose of studying medicine.

With an amendment thereto by way of substitute therefor.

H. B. 115. An Act regulating practice of Dentistry.

By Mr. Milliken of the Committee on Revenue and Taxation No. 1:

H. B. 434. An Act relating to revenue and taxation, imposing an excise or license tax on all distilled spirits known as whiskey, brandy, gin, rum or other species of double stamp spirits sold at retail in this state; requiring every individual, association, partnership, joint stock company and corporation selling such distilled spirits at retail to pay said tax for the privilege of engaging in said business; providing for monthly reports for the purpose of ascertaining the amount of tax due; providing for monthly payments of the amount of license tax due; fixing of penalty for failure to make such monthly report and settlement; providing for the manner of distribution of the tax so collected; repealing all other license and excise taxes on the businesses covered by this act and declaring an emergency to exist.

H. B. 457. An Act relating to revenue and taxation; providing a license or excise tax on the business or occupation of manufacturing distilled spirits, known as whiskey or

brandy, or other double stamp spirits in this State, and for the business or occupation of a warehouseman storing such distilled spirits; providing for the distribution of said fund; providing penalties for the violation of its provisions, repealing chapter 5 of the acts of the General Assembly of 1917, enacting in lieu thereof the following act and declaring an emergency to exist.

H. B. 436. An Act to repeal and re-enact section 11 of chapter 114 of the Acts of 1922, being now 4114i-11 of the Kentucky Statutes, Carroll's Edition of 1922, relating to revenue and taxation, and defining duties of the State Tax Commission.

H. B. 448. An Act to amend section 2 of chapter 100 of the Acts of the General Assembly of 1924 entitled "An Act relating to office and officers."

H. B. 441. An Act for the enforcement of laws relating to motor vehicles and creating a Department of Public Safety and providing for its maintenance.

By Mr. Lewis of the Committee on Codes of Practice:

H. B. 73. An Act to amend and re-enact section 518, Civil Code of Practice, relating to the modification of judgments after term of court rendering it.

Without an expression of opinion.

By Mr. Dorman of the Committee on Roads and Highways No. 1:

H. B. 125. An Act to repeal and to re-enact sections 4305, 4325, 4326, 4327, 4328, 4330, 4331, 4332, 4333, 4334, 4335, 4336, 4337, 4341, 4342, 4342a-2, 4342a-3, 4342a-4, 4342a-5, 4352,

4353, 4353a, 4354, 4355, 4356, 4356a, 4356b, 4356c, 4356d, 4356e, 4356f, 4356h, 4356i, 4356j, 4356k, 4356l, 4356l-2, 4356l-3, 4356l-4, 4356l-5, 4356n, Carroll's Kentucky Statutes, changing the name of "County Road Engineer" to "County Road Supervisor" and providing for his election by the voters of the county in which he resides.

With an amendment thereto by way of substitute therefor.

By Mr. Strange of the Committee on Roads and Highways No. 2.

H. B. 456. An Act to establish a primary road system project to be known as 63a.

H. B. 443. An Act relating to the primary System of roads and highways.

H. B. 437. An Act relating to roads and highways and describing and fixing project to be added to the primary system of roads and highways.

H. B. 446. An Act to establish a new State Primary Road Project to be known as Project —, beginning at Bowling Green, Warren County and extending southeastwardly by way of Meadow, in Allen County to a point in the Bowling Green and Glasgow road, approximately 21 miles.

H. B. 191. An Act to amend, extend, revise and re-enact chapter 248 of the acts of 1924, being an act amending chapter 79 of the Acts of 1922, which was an act amending chapter 17 of the Acts of 1920, relating to roads and bridges and relating to project 22A of the Primary System of State Highways, extending from Pine Knot, McCreary County, via Williamsburg and Barbourville to Manchester, Clay County.

With a committee amendment thereto.

H. B. 256. An Act relating to roads and bridges and establishing a new project to be a part of the new Primary Road System from Irvine to Richmond.

With committee amendment thereto.

By Mr. Curtis of the Committee on Geological Survey:

H. B. 438. An Act to authorize county officers to turn over to the Kentucky State Historical Society for preservation old books and documents no longer of use or value to the counties.

By Mr. Arvin of the Committee on Executive Affairs:

H. B. 252. An Act to amend and re-enact sections 4619, 4620 and 4623 of chapter 120, Kentucky Statutes, 1918 Carroll's Edition, relating to the office of State Inspector and Examiner.

With an amendment thereto by way of substitute therefor.

By Mr. Murphy of the Committee on Agriculture:

H. B. 384. An Act authorizing in each of the counties of Kentucky an Agricultural Extension Association, etc.

With the expression of opinion that said bills ought to pass with the exception of those above indicated.

Said bills were severally read at length the first time and ordered to be placed on the Calendar.

Mr. Potter of the Committee on Motor Transportation to which same had been referred, reported bills of the following titles, viz.:

H. B. 124. An Act to amend subsection c of section 2739g-2 of chapter 90 of the Acts of the General Assembly of 1922, relating to license fees of passenger automobiles.

H. B. 314. An Act creating a rule of evidence in the trial of any case involving the ownership, possession, operation or use of a motor vehicle; making it prima facie evidence that the person in whose name a motor vehicle is licensed with the State is the one operating same.

With the expression of opinion that said bills ought not to pass.

No further action having been taken by the House in regard to said bills and no motion having been made to advance said bills to a reading the report of the committee to the contrary notwithstanding, it was ordered that said bills be not read at length the first time and so said bills were rejected.

A message was received from the Senate announcing that they had passed a bill which originated in this house entitled:

H. B. 77. An Act relating to revenue and taxation, imposing an excise or license tax on gasoline and all other liquid fuels, including all liquids ordinarily, practically and commercially usable in internal combustion engines for the generation of power, and all distillates of, and condensates from petroleum, natural gas, coal, coal tar, vegetable ferments, and from all other products, so usable and sold in this Commonmonwealth at wholesale as the words "at wholesale" are defined in this act; except kerosene, fuel oil, and crude oil as

such; providing for the collection of such tax; exempting gasoline from local excise and license taxes; the distribution and use of the revenue derived therefrom; the administration of said law, fixing fines and penalties for the violation of this act; repealing chapter 93, Acts of 1920, chapter 90, Acts of 1922, and the present gasoline tax law, which is contained Chapter 120, Acts of the General Assembly of 1924, and declaring an emergency.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

Mr. Dorman moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

FRIDAY, FEBRUARY 19, 1926.

The House was opened with prayer by the Reverend J. Howard Gibbons of the Protestant Episcopal Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

Lewis Allen	C. H. Berryman	Lee Clark
W. B. Ardery	W. P. Bowman	W. E. Clark
Wm. J. Arvin	D. F. Brown	Lonnie Cooper
W. O. Bach	Geo. A. Brown	Fred H. Coots
A. J. Baldridge	F. W. Bryant	J. D. Cox
J. H. Baughman	J. R. Buckman	J. S. Cruse
L. D. Bax	W. G. Buckner	W. J. Curtis
W. B. Belknap	S. J. Bunger	J. L. Cushing
T. H. Benton	W. A. Carson	C. L. Daly
Shaler Berry	C. B. Carver	Mormon B. Daniel

J. R. Dorman
E. J. Doss
James M. Durham
J. O. Evans
D. W. Fowler
Otto C. Gartin
R. E. Glenn
F. A. Gnau
Whitsett Hall
J. F. Harrison
C. W. Hawkins
J. M. Hayse
Goebel B. Henson
H. M. Holbrook
H. B. Holland
S. K. Holland
Ira L. Horne
J. C. Hutcherson
E. M. Johnson
Grover C. Johnson
W. W. Johnson
D. C. Jones
Mrs. H. G. Jorris
W. O. Keller
J. R. Kelly
Thos. H. King
Oscar Leibson
W. W. Leslie
Leon P. Lewis
J. L. Manning
Joe Martin
A. M. Mercer
H. J. Meyers
J. S. Milliken
T. R. Moore
B. T. Morris
L. P. Murphy
Chas. N. McCarty
J. L. McDavid
W. J. McGill
F. T. Nichols
Caleb Page
Smith Park
J. J. Patterson
Jas. J. Peters
Geo. W. Potter
W. H. Pryor
Clint Raymer
C. W. Ryans
Chas. L. Seale
M. G. Slusher
W. R. Smith
E. J. Snyder
Frank L. Strange
J. G. Swearengin
Mac Swinford
J. L. Valandingham
Chiles Van Antwerp
C. D. Vincent
W. S. Wallen
T. B. Watts

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. Henson moved that a leave of absence be granted to Messrs. Harmon and Miller.

Said motion was agreed to.

Mr. King moved that a leave of absence be granted to Mr. Bach.

Said motion was agreed to.

Mr. Hayse moved that a leave of absence be granted to Mr. Edwards.

Said motion was agreed to.

In accordance with a resolution heretofore adopted by this House, to-wit:

Concurrent Resolution providing for the appointment of a Joint Committee of the House and Senate, on the State of the Commonwealth; to investigate, report on, and recommend a remedy for certain economic conditions thereof.

The Speaker appointed Messrs. Daly, King, Hall, Harmon and Wallen.

Mr. G. C. Johnson offered the following resolution, viz.:

Whereas, A few days ago this House adopted a resolution empowering the Speaker of the House to appoint a Committee of five veterans of the World War, and members of this body, to attend a mass meeting held in Lexington on Wednesday evening, February 17th, for the purpose of protesting against the treatment of certain World War veterans at the hands of the United States Veterans' Bureau, and,

Whereas, Dr. Berry, Fowler, Holbrook, Dr. Leslie and Seale were appointed to and did attend said meeting which was presided over by one R. E. L. Murphy, of the Veterans of Foreign Wars, and,

Whereas, Said Committee and especially Hon. D. W. Fowler, its Chairman, was treated in such a rude manner by said R. E. L. Murphy and none of said Committee was permitted to speak at said meeting until after repeated demands by the audience, therefore,

Be it Resolved, That it is the sentiment of this House that it go on record as condemning such ungentlemanly conduct of the said Murphy in his treatment of the said Committee.

Be it Further Resolved, That this House go on record as approving and endorsing the action and conduct of said Committee.

Said resolution was adopted.

Mr. Murphy moved that a bill entitled:

H. B. 190. An Act to repeal, amend and re-enact Chapter 81 of the Acts of the General Assembly of 1924 entitled: "An Act providing for additional supervision and regulation of the transportation of persons for compensation over public highways by motor propelled vehicles; defining automobile transportation companies; providing for additional supervision and regulation thereof by the State Highway Commission or its successors; providing for the assessment and collection of fees and taxes thereon and providing for the enforcement of the provisions of this Act and punishment for violations thereof." Providing for the appointment, qualification, term of office and compensation of motor transportation commissioner and his assistants; providing for the supervision and regulation of motor transportation of persons for hire over the public highways of Kentucky; providing for additional revenue for the enforcement of the provisions of this Act; punishment and violation thereof; for the examination and qualifications of drivers of motor vehicles over the highways; fixing a fee for said drivers; providing for the regulation of fares schedules, routes of motor vehicles; for procedure in the enforcement of the Act; appeals from the decisions of the Commissioner and for penalties for the violations of the Act,

Be made a Special Order of this House for next Wednesday, February 24, at 11 o'clock a. m.

Said motion was agreed to.

Mr. G. A. Brown moved that a bill entitled:

H. B. 124. An Act to amend Subsection c. of Section 2739g-2, Chapter 90 of the Acts of the General Assembly, 1922, relating to license fees of passenger automobiles,

Which was reported by the Committee on Motor Transportation on yesterday with the expression of opinion that it ought not to pass,

Be reconsidered.

Said motion was agreed to.

The yeas and nays being required thereon by Messrs. Brown and Harrison were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	Mormon B. Daniel	W. W. Leslie
W. B. Ardery	J. R. Dorman	A. M. Mercer
Wm. J. Arvin	E. J. Doss	H. J. Meyers
J. H. Baughman	James M. Durham	T. R. Moore
L. D. Bax	J. O. Evans	B. T. Morris
T. H. Benton	D. W. Fowler	W. J. McGill
W. P. Bowman	R. E. Glenn	F. T. Nichols
Geo. A. Brown	F. A. Gnau	Caleb Page
F. W. Bryant	Whitsett Hall	J. J. Patterson
J. R. Buckman	J. F. Harrison	W. H. Pryor
W. G. Buckner	Goebel B. Henson	Clint Raymer
S. J. Bunger	H. M. Holbrook	Chas. L. Seale
W. A. Carson	H. B. Holland	E. J. Snyder
C. B. Carver	S. K. Holland	Frank L. Strange
W. E. Clark	Ira L. Horne	Mac Swinford
Lonnie Cooper	J. C. Hutcherson	Chiles Van Antwerp
Fred H. Coots	Grover C. Johnson	C. D. Vincent
J. S. Cruse	D. C. Jones	W. S. Wallen
W. J. Curtis	Mrs. H. G. Jorris	T. B. Watts
J. L. Cushing	W. O. Keller	
C. L. Daly	Thos. H. King	

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Those who voted in the negative were—

W. O. Bach	W. B. Belknap	D. F. Brown
A. J. Baldridge	C. H. Berryman	Lee Clark

J. D. Cox	Shelby Martin	Geo. W. Potter
W. W. Johnson	L. P. Murphy	W. R. Smith
Leon P. Lewis	Chas. N. McCarty	J. L. Valandingham
J. L. Manning	J. L. McDavid	
Joe Martin	Smith Park	

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Mr. Brown moved that said bill be advanced to its first reading, the report of the Committee to the contrary notwithstanding.

Said motion was agreed to.

Thereupon said bill was read at length the first time and ordered to be placed on the Calendar.

Mr. Wallen moved that a bill entitled:

H. B. 123. An Act to provide for the establishment of a State Normal School for the training of white elementary teachers, and appropriating moneys for maintenance and operation thereof,

Be made a Special Order of this House for next Thursday, February 25, at eleven o'clock a. m.

Said motion was agreed to.

Mr. Jones moved that a bill entitled:

H. B. 164. An Act relating to rotating system of Circuit Judges.

Be made a Special Order of this House for next Tuesday, February 23, at two o'clock p. m.

Said motion was agreed to.

Mr. Meyers moved that inasmuch as Monday, February 22, is Washington's Birthday and a National holiday, when this House adjourn today, it adjourn to meet again on Tuesday, February 23, at one o'clock

Said motion was disagreed to.

Mr. Leon P. Lewis moved that when this House adjourn today, it adjourn to meet again on Tuesday, February 23, at ten o'clock a. m.

Said motion was agreed to.

Mr. Meyers moved that the vote by which this House agreed that when it adjourn today it be to meet on Tuesday, February 23, at ten o'clock a. m. be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. McDavid moved that a bill entitled:

H. B. 16. An Act to repeal and re-enact Chapter 8 of the Acts of the General Assembly of 1914, being section 1213a Kentucky Statutes, 1922 Edition, and being entitled "An Act to regulate the making, drawing, uttering or delivering of checks, drafts or orders for the payment of moneys, and fixing the penalties for violation of same," known as the cold check law,

Be made a Special Order of this House for next Wednesday, February 24, at two o'clock p. m.

Said motion was agreed to.

Mr. G. C. Johnson moved that a bill entitled:

H. B. 309. An Act to amend Section 4368, Kentucky Statutes, Carroll's Edition, 1922, relating to the teaching of sectarian, infidel or immoral books in the common schools of this Commonwealth,

Be called from the Committee on Kentucky Statutes, and considered by this House in the same manner as if it had been reported by said Committee without expression of opinion.

Said motion was agreed to.

The yeas and nays being required thereon by Messrs. Johnson and Harrison, were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	Whitsett Hall	J. L. McDavid
A. J. Baldridge	J. F. Harrison	F. T. Nichols
J. H. Baughman	C. W. Hawkins	Caleb Page
T. H. Benton	Goebel B. Henson	J. J. Patterson
W. P. Bowman	H. M. Holbrook	Jas. J. Peters
Geo. A. Brown	H. B. Holland	Geo. W. Potter
F. W. Bryant	Ira L. Horne	W. H. Pryor
J R. Buckman	J. C. Hutcherson	H. A. Pulliam
S. J. Bunger	Grover C. Johnson	Clint Raymer
W. A. Carson	W. W. Johnson	Chas. L. Seale
C. B. Carver	Mrs. H. G. Jorris	M. G. Slusher
Lee Clark	J. R. Kelly	W. R. Smith
W. E. Clark	Thos. H. King	Frank L. Strange
Fred H. Coots	W. W. Leslie	J. G. Swearengin
J. D. Cox	J. L. Manning	Mac Swinford
C. L. Daly	A. M. Mercer	J. L. Valandingham
Mormon B. Daniel	T. R. Moore	Chiles Van Antwerp
James M. Durham	B. T. Morris	C. D. Vincent
J. O. Evans	L. P. Murphy	W. S. Wallen
D. W. Fowler	Chas. N. McCarty	

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Those who voted in the negative were—

W. B. Ardery	Lonnie Cooper	D. C. Jones
Wm. J. Arvin	J. S. Cruse	W. O. Keller
W. O. Bach	J. L. Cushing	Leon P. Lewis
L. D. Bax	J. R. Dorman	Joe Martin
W. B. Belknap	E. J. Doss	H. J. Meyers
Shaler Berry	R. E. Glenn	W. J. McGill
C. H. Berryman	F. A. Gnau	Smith Park
D. F. Brown	J. M. Hayse	E. J. Snyder
W. G. Buckner	E. M. Johnson	T. B. Watts

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Thereupon said bill was read at length the first time and ordered to be placed on the Calendar.

Mr. Allen moved that the session of to-day be extended indefinitely.

Said motion was agreed to.

A message was received from the Senate announcing that they had passed a bill of the following title, viz.:

S. B. 102. An Act creating a State Text Book Commission to adopt for use in the public schools of Kentucky a uniform series of textbooks, defining the powers, qualifications and duties of said commission and its members, regulating the price, method of selection, sale and distribution of such textbooks, prescribing conditions to be complied with and penalties for the violation of the various provisions of this Act, and expressly repealing Chapter 13 of the Acts of the General Assembly of Kentucky of 1910, approved March 15, 1910, as amended by Chapter 11 of the Acts of 1914, approved March 10, 1910, as amended by Chapter 8 of the Acts of 1916, approved March 4, 1916, and as amended by Chapter 110 of the Acts of 1918, approved March 29, 1918, said Act of March 15, 1910, as thus finally amended now being Articles 5a and 5b

of Chapter 113, (or sections 4421a-1 to 4421a-30 inclusive and also sections 4421b-1 to 4421b-32 inclusive), of the Kentucky Statutes, Carroll's 1922 Edition.

Said bill ordered printed and referred

To Committee on Education No. 1.

Mr. H. B. Holland of the Committee on Enrollment reported that they had examined and found to be correctly enrolled a bill of the following title, viz.:

H. B. 77. An Act relating to revenue and taxation, imposing an excise or license tax on gasoline and all other liquid fuels, including all liquids ordinarily, practically and commercially usuable in internal combustion engines for the generation of power, and all distillates of, and condensates from petroleum, natural gas, coal, coal tar, vegetable ferments, and from all other products, so usuable and sold in this Commonwealth at wholesale, as the words, "at wholesale" are defined in this act; except kerosene, fuel oil, and crude oil as such; providing for the collection of such tax; exempting gasoline from local excise and license tax; the distribution and use of the revenue derived therefrom; the administration of said law; fixing fines and penalties for the violation of this act; repealing Chapter 93, Acts of 1920, Chapter 90, Acts of 1922 and the present Gasoline Tax Law, which is contained in Chapter 120, Acts of the General Assembly of 1924, and declaring an emergency.

Thereupon all other business was suspended, said bill was compared and read at length in open session.

Thereupon the Speaker, in open session and in the presence of the House affixed his signature thereto.

Ordered that the Enrolling Clerk of this House deliver said bill to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled copy of said bill, duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bill to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

Upon a call of the Counties and Legislative Districts, the following bills were introduced, ordered printed and referred as follows, viz.:

By Mr. E. M. Johnson:

H. B. 529. An Act to amend and re-enact Section 1954b-11, Kentucky Statutes, 1922 Edition, relating to fur-bearing animals.

To Committee on Fish and Game.

By Mrs. Jorris:

H. B. 530. An Act to establish as a part of the primary road system a road running from Creelsboro, via Russell Springs, shall be designated as road Project —.

To Committee on Roads and Highways No. 2.

By same:

H. B. 531. An Act to establish as a part of the road system a road running from Ucum, Cumberland River; said road project shall be known as Road Project —.

To Committee on Roads and Highways No. 2.

By Mr. Fowler:

H. B. 532. An Act providing for the creation and selection of a board of Arbiters to act in disputes and disagreements arising between teachers and pupils in all public schools supported by public taxation in cities of the first class and decide their power and duties and provide for penalty for violation thereof.

To Committee on Education No. 1.

By Mr. Bax:

H. B. 533. An Act to repeal Section 201e-8 of Kentucky Statutes, Carroll's Sixth Edition 1922, relating to free passes.

To Committee on Railroads.

By Mr. Moore:

H. Res. No. 12. Resolution providing for the appointment of an official barber.

To Committee on Home Economics.

By Mr. Belknap:

H. Res. 14. Resolution concerning Prison Labor Commission.

To Committee on Charitable Institutions.

By Mr. Curtis:

H. Res. 13. Resolution to erect a monument on the battlefield of Blue Licks.

To Committee on Appropriations No. 1.

The Committees to which same had been referred, reported bills of the following titles, viz.:

By Mr. Shelby Martin of the Committee on Banks and Banking:

H. B. 391. An Act repealing and re-enacting Chapter 47, Acts of the General Assembly of 1922, same relating to Banks and Banking.

H. B. 385. An Act relating to the Banking and Trust Business, repealing and re-enacting Chapter 34 of the Acts of 1914, which same is now Section 165a-20 of the Kentucky Statutes, of 1922.

H. B. 392. An Act to repeal and re-enact Chapter 46 Acts of the General Assembly of 1922, relating to fees for examination of banks and trust companies.

H. B. 387. An Act to repeal and re-enact Section 10 of Chapter 4 of the Acts of the General Assembly of 1912, same being Section 165a-10 Kentucky Statutes, relating to Banks and Banking.

H. B. 386. An Act to repeal and re-enact Section 5 of Chapter 4, Acts of the General Assembly of 1914, relating to the State Banking Department, same being Section 165a-5, Kentucky Statutes.

With the expression of opinion that said bills ought to pass.

Said bills were read at length the first time and ordered to be placed on the Calendar.

The hour of twelve o'clock having arrived, Mr. Allen moved that the House do now recess for one hour.

Said motion was agreed to.

The hour of one o'clock P. M. having arrived, the Speaker resumed the Chair and called the House to order.

By unanimous consent of the House, Mr. Harrison introduced the following bills, which were ordered printed and referred as follows, viz.:

H. B. 534. An Act to amend and re-enact Section 1954c-25, Kentucky Statutes, Carroll's 1922 Edition, as amended by Chapter 30 of the Acts of 1916, entitled "An Act amending an Act entitled 'An Act for the protection of game and fish,' Chapter 35, Acts 1912, approved March 12, 1912.

H. B. 535. An Act to amend and re-enact Section 1941 of Carroll's Kentucky Statutes, 1922 Edition, as amended by Chapter 122 of the Acts of 1920, entitled "An Act for the protection of game animals and game birds; fixing open and closed seasons for the same; fixing the bag limit for birds and animals killed in open season; prohibiting the snaring of rabbits at any time and providing penalty for the violation of this act."

To Committee on Fish and Game.

By unanimous consent, Mr. Ryan of the Committee on Kentucky Statutes, to which same had been referred, reported a bill of the following title, viz.:

H. B. 401. An Act providing for the enforcement of contribution among wrongdoers.

With the expression of opinion that said bill ought to pass.

Said bill was read at length the first time and ordered to be placed on the Calendar.

The House took up for consideration from the Orders of the Day, the Special Order of the Day, to-wit:

H. B. 316. An Act to amend Sections 4, 12, 16 and 18 of Chapter 33 of the Acts of the General Assembly of Kentucky 1916 entitled: "An Act to provide an elective system of Workmen's Compensation for industrial accidents," and the same act as amended by Chapter 176 of the Acts of the General Assembly of Kentucky for the year of 1920, and the same act as amended by Chapter 50 of the Acts of the General Assembly of Kentucky for the year 1922, and the same act as amended by Chapter 70 of the Acts of the General Assembly for the year 1924; said sections to be amended are 4883, 4893, 4897 and 4899, Carroll's Statutes of Kentucky.

Mr. Gnau moved that said bill be recommitted with leave to report at any time.

Said motion was agreed to.

The House took up for consideration from the Calendar, bills of the following titles, viz.:

H. B. 449. An Act to fix and regulate the times of holding the terms of the circuit courts in the Fifth Judicial District.

H. B. 289. An Act to repeal and re-enact Section 4245 of the Kentucky Statutes, 1915 Edition, relating to the duty of

the circuit court clerks as to issuance of process on judgments in favor of the Commonwealth so as to impose the same duties upon the judges of the county courts, police courts, and justices of the peace of the Commonwealth of Kentucky.

H. B. 288. An Act to repeal and re-enact Section 4252 of the Kentucky Statutes, 1915 Edition, requiring officers to report to the circuit court, so as to impose the same duties upon the circuit court clerk as now imposed upon county judges, police judges, and justices of the peace, and to impose a penalty for the failure of such officer to make any report required herein.

S. B. 120. An Act to relieve female jurors from Jury Service upon request made to the Court.

H. B. 210. An Act providing for the appointment and qualifications of official shorthand reporters in Circuit Courts other than Courts of continuous session; defining the duties thereof and prescribing the fees, etc.

With a Committee amendement thereto.

H. B. 380. An Act to repeal and re-enact Section 378 of the Kentucky Statutes, 1915 Edition, relating to the duties of clerks of courts so as to make same applicable to county judges, police judges and justices of the peace, and to provide for the signing of the order of final adjournment.

H. B. 381. An Act requiring county judges, police judges justices of the peace, and clerks of the circuit courts to keep a record book in which all judgments, civil and criminal, shall be entered and cross indexed, and imposing penalties for failure to do so.

H. B. 379. An Act limiting the amount to be paid to a county attorney and a county attorney pro tem for any county to $5,000 per year and providing the manner and method for

the payment of the per centum of fines and forfeitures out of the State treasury and fixing liability on the Auditor for any overpayment to such officer or officers.

S. B. 1. An Act relating to the creation of water districts in counties of the State, and providing for the establishment, construction, or purchase of a water system, for the purpose of furnishing water to the inhabitants thereof; prescribing the methods of expenditures, the assessment and collection of costs and expenses thereof; providing for the appointment of commissioners and prescribing their duties and providing for the payment of officers and employees, the issuing and selling of district bonds with which to secure funds to defray the costs and expenses of any such improvements, repealing an act, entitled "An Act providing for the creation of water districts, etc.," approved March 25, 1924.

H. B. 447. An Act to amend Sections 1 and 4 of Chapter 43 of the Acts of the General Assembly of 1914, relating to the office of stenographer for the county judge, in certain counties, being Sections 1061a-1 and 1061t-4, Carroll's Kentucky Statutes, 1922 Edition.

H. B. 265. An Act to amend and re-enact section 3142b-4 of the edition of the Kentucky Statutes, compiled and edited by John D. Carroll.

H. B. 357. An Act relating to the construction of streets, alleys, public ways, sewers, or other public improvements in cities of the third class and providing that such cities may issue improvement warrants to contractors as the work progresses, providing for the payment of such warrants and for a lien on the local taxes levied for such improvements to secure the payment of such warrants and providing that the city shall not be personally liable thereon.

H. B. 203. An Act to amend section 3385 Kentucky Statutes, 1922 Carroll's Edition, in relation to appeals from assessments made by boards of supervisors and common council of cities of the third class.

H. B. 338. An Act to repeal section 3104 of the Kentucky Statutes, Carroll's Edition 1922, relating to the "net revenue" derived by any city of the second class from its water works.

With an amendment thereto by way of substitute therefor.

H. B. 108. An Act to amend section 203 of Code of Practice in criminal cases relating to peremptory challenges allowed defendant in selecting jury.

S. B. 16. An Act to amend and re-enact chapter 44, Acts of 1924, entitled "An Act to repeal and re-enact section 75 of Carroll's Criminal Code of Practice, sixth edition, 1919."

H. B. 269. An Act providing a manner and method of taking and preserving bail, supersedeas, and replevin bonds executed to the Commonwealth of Kentucky.

With an amendment thereto by way of substitute therefor.

S. B. 76. An Act to amend and re-enact section 147 of the Constitution of the Commonwealth of Kentucky.

H. B. 322. An Act to repeal and re-enact section 440, Carroll's Kentucky Statutes, 6th Edition, 1922.

H. B. 321. An Act regulating Magistrates' Courts as prescribed by Section 142 of the Constitution of the Commonwealth of Kentucky.

H. B. 444. An Act to abolish the office of Commonwealth's Attorney, and providing county attorney shall perform services and his compensation therefor.

H. B. 435. An Act to amend, revise and re-enact section 8, Chapter 36, Acts of 1920, being an act entitled "An Act creating a county board of education, prescribing its duties, fixing the tenure of office and compensation of its members, etc.," approved March 22, 1920.

S. B. 24. An Act to amend and re-enact sections 3235a-2, subsection 3, and 3235e-4, subsection 3, of the Kentucky Statutes, Carroll's 1922 Edition, relating to teachers' insurance and annuity of cities of the second class.

H. B. 426. An Act amending Section 6, Chapter 63, Acts of the General Assembly of the Commonwealth of Kentucky for 1924, relating to the certification of teachers.

H. B. 412. Act Act providing for the retirement of certain school teachers of this Commonwealth and providing the amount of allowance and by whom and from what funds same is to be paid and the duration of payment.

H. B. 69. An Act to make the common schools of this Commonwealth more efficient, by establishing in each school house public school library.

H. B. 368. An Act to provide for support and maintenance of destitute mothers and children not entitled to age and schooling certificates.

With committee amendments thereto.

H. B. 417. An Act enabling the fiscal courts or county commissioners of each county to establish and maintain a county Children's Bureau.

H. B. 416. An Act to repeal and re-enact an Act entitled "An Act to create a commission, known as the Child Welfare Commission, and to prescribe its duties and functions," chapter 107, Acts 1922.

H. B. 439. An Act to provide for the renewal of franchises of public utility companies of the cities of this Commonwealth other than cities of the first class.

H. B. 271. An Act relating to the payment of County Tax Commissioners.

H. B. 56. An Act to regulate boiler construction.

With the committee amendment thereto.

H. B. 367. An Act to amend and re-enact sections 3140 and 3138 Kentucky Statutes, Carroll's 1915 Edition, being a part of the charter of cities of the second class, for the better government, administration and disposition and discipline of the police and fire department and to create and perpetuate a pension fund for disabled police and firemen, their widows and children and dependent fathers and mothers, and to create and perpetuate a board of trustees for the manage-agement and conduct thereof, and to pension members thereof after service of a term of years.

H. B. 454. An Act relating to revenue and taxation in counties, cities, towns and other municipal corporations, providing that no county, city, town or other municipal corporation shall impose a license, excise or provilege tax upon any person, firm or corporation for the privilege of operating motor vehicles.

H. B. 340. An Act to amend and re-enact section 2739g-62 of Carroll's Kentucky Statutes, Sixth Edition, pertaining to motor vehicles.

H. B. 3. An Act to amend and re-enact section 3706 of the Kentucky Statutes, Carroll's 1915 Edition, and as re-enacted in the 1922 Edition, regulating the improvement of streets, sidewalks, sewers, water mains and public places.

H. B. 362. An Act enabling cities of the first class, either independently or in conjunction with legally constituted authorities of an adjoining state, to build, construct, operate, and maintain bridges across navigable streams, so as to connect such cities with an adjoining state; providing for a Kentucky Commission in such cities of the first class to build, construct, operate, control and maintain such bridges and fixing the powers and duties of such commission; providing that such bridges may be built, constructed, operated, controlled and maintained by a Joint Commission selected from members of the Kentucky Commission and members of a similar commission from an adjoining state, fixing the powers and duties of such joint commission, providing for and authorizing the voting of a bond issue by cities of the first class, the proceeds therefrom to be used for either building and constructing such bridges independently or for building and constructing same in conjunction with legally constituted authorities of an adjoining state.

H. B. 155. An Act providing a change in the requisite qualification of any person desiring to enter Medical School in this Commonwealth for the purpose of studying medicine.

With an amendment thereto by way of substitute therefor.

H. B. 115. An Act regulating practice of Dentistry.

H. B. 434. An Act relating to revenue and taxation, imposing an excise or license tax on all distilled spirits known as whiskey, brandy, gin, rum or other species of double stamp spirits sold at retail in this state; requiring every individual, association, partnership, joint stock company and corporation selling such distilled spirits at retail to pay said tax for the privilege of engaging in said business; providing for monthly reports for the purpose of ascertaining the amount of tax due; providing for monthly payments of the amount of license tax due; fixing of penalty for failure to make such monthly report and settlement; providing for the manner of distribution of the tax so collected; repealing all other license and excise taxes on the businesses covered by this act and declaring an emergency to exist.

H. B. 457. An Act relating to revenue and taxation; providing a license or excise tax on the business or occupation of manufacturing distilled spirits, known as whiskey or brandy, or other double stamp spirits in this State, and or the business or occupation of a warehouseman storing such distilled spirits; providing for the distribution of said fund; providing penalties for the violaton of its provisions, repealing chapter 5 of the Acts of the General Assembly of 1917, enacting in lieu thereof the following act and declaring an emergency to exist.

H. B. 436. An Act to repeal and re-enact section 11 of chapter 114 of the Acts of 1922, being now 4114i-11 of the Kentucky Statutes, Carroll's Edition of 1922, relating to revenue and taxation, and defining duties of the State Tax Commission.

H. B. 448. An Act to amend section 2 of chapter 100 of the Acts of the General Assembly of 1924 entitled "An Act relating to office and officers."

H. B. 441. An Act for the enforcement of laws relating to motor vehicles and creating a Department of Public Safety and providing for its maintenance.

H. B. 73. An Act to amend and re-enact section 518, Civil Code of Practice, relating to the modification of judgments after term of court rendering it.

H. B. 125. An Act to repeal and re-enact sections 4305, 4325, 4326, 4327, 4328, 4330, 4331, 4332, 4333, 4334, 4335, 4336, 4337, 4341, 4342, 4342a--2, 4342a-3, 4342a-4, 4342a-5, 4352, 4353, 4353a, 4354, 4355, 4356, 4356a, 4356b, 4356c, 4356d, 4356e, 4356f, 4356g, 4356h, 4356i, 4356j, 4356k, 4356l, 4356l-2, 4356l-3, 4356l-4, 4356l-5, 4356n, Carroll's Kentucky Statutes, changing the name of "County Road Engineer" to "County Road Supervisor" and providing for his election by the voters of the county in which he resides.

With an amendment thereto by way of substitute therefor.

H. B. 456. An Act to establish a primary road system project to be known as 63a.

H. B. 443. An Act relating of the primary system of roads and highways.

H. B. 437. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

H. B. 446. An Act to establish a new State Primary Road Project to be known as Project — beginning at Bowling Green, Warren County, and extending southeastwardly by way of Meadow, in Allen County, to a point in the Bowling Green and Glasgow road, approximately 21 miles.

H. B. 191. An Act to Amend, extend, revise and re-enact chapter 248 of the acts of 1924, being an act amending chapter 79 of the Acts of 1922, which was an act amending chapter 17 of the Acts of 1920, relating to roads and bridges and relating to project 22A of the Primary System of State Highways, extending from Pine Knot, McCreary County, via Williamsburg and Barbourville to Manchester, Clay County.

With a committee amendment thereto.

H. B.256. An Act relating to roads and bridges and establishing a new project to be a part of the new Primary Road System from Irvine to Richmond.

With a committee amendment thereto.

H. B. 438. An Act to authorize county officers to turn over to the Kentucky State Historical Society for preservation old books and documents no longer of use or value to the counties.

H. B. 252. An Act to amend and re-enact sections 4619, 4620 and 4623 of chapter 120, Kentucky Statutes, 1918, Carroll's Edition, relating to the office of State Inspector and Examiner.

With an amendment thereto by way of substitute therefor.

H. B. 384. An Act authorizing in each of the counties of Kentucy an Agricultural Extension Association, etc.

Ordered that said bills be read a second time.

The Constitutional provision as to the second reading of said bills at length being dispensed with, said bills were read the second time by their titles only.

Ordered that said bills be placed in the Orders of the Day.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 162. An Act to accept the provisions of an Act by the Congress of the United States and approved February 24, 1915, to authorize the more complete endowment of Agricultural Experiment Stations and for other purposes.

Said bill is as follows, viz.:

An Act to accept the provisions of an act passed by the Congress of the United States and approved February 24, 1925, to authorize the more complete endowment of agricultural experiment stations and for other purposes.

Whereas, The Congress of the United States passed an act entitled, "An Act to authorize the more complete endowment of agricultural experiment stations, and for other purposes," approved February 24, 1925; and

Whereas, By Section 2 of the said act the grants of money authorized by the said act are made subject to the legislative assent of the several states and territories to the purpose of said grants: Provided, that payment of such installments of the appropriation herein made as shall become due to any state or territory before the ajournment of the regular session of the legislature meeting next after the passage of this act shall be made upon the assent of the Governor thereof, duly certified by the Secretary of the Treasury, and

Whereas, the last legislature of this state had adjourned prior to February 24, 1925; and

Whereas, the Governor of the state certified to the Secretary of the Treasury that the legislature was not in session and accepted the provisions of said act for this state until the meeting of the next legislature; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the legislature of this Commonwealth assents to the purposes of the grants of the act entitled, "An Act to authorize the more complete endowment of agricultural experiment stations, and for other purposes," and approves the action of the Governor in accepting the provisions of the aforesaid act during the interim of adjournment of the legislature, and that the trustees of the Universtiy of Kentucky are authorized and empowered to receive the grants for the benefit of the Kentucky Agricultural Experiment Station, and to use them in accordance with the terms and conditions expressed in the Act of Congress aforesaid.

§ 2. That the Governor of this Commonwealth send a certified copy thereof to the Secretary of the Treasury of the United States.

§ 3. Whereas, the appropriation will cease upon the adjournment of the legislature unless this act be then in effect, an emergency is hereby declared to exist, and this act shall take effect and become a law from and after its passage and approval.

(PUBLIC—No. 458—68TH CONGRESS)
(H. R. 157)

An Act to authorize the more complete endowment of agricultural experiment stations, and for other purposes.

Be it enacted by the Senate and House or Representatives of the United States of America in Congress assembled, That for the more complete endowment and maintenance of agricultural experiment stations now established, or which may hereafter be established, in accordance with the Act of Congress approved March 2, 1887, there is hereby authorized to be appropriated, in addition to the amounts now received by such agricultral experiment stations, the sum of $20,000 for the fiscal year ending June 30, 1926; $30,000 for the fiscal year ending June 30, 1927; $40,000 for the fiscal year ending June

30, 1928; $50,000 for the fiscal year ending June 30, 1929; $60,000 for the fiscal year ending June 30, 1930; and $60,000 for each fiscal year thereafter, to be paid to each state and territory; and the Secretary of Agriculture shall include the additional sums above authorized to be appropriated in the annual estimates of the Department of Agriculture, or in a separate estimate, as he may deem best. The funds appropriated pursuant to this act shall be applied only to paying the necessary expenses of conducting investigations or making experiments bearing directly on the production, manufacture, preparation, use, distribution, and marketing of agricultural products and including such scientific researches as have for their purpose the establishment and maintenance of a permanent and efficient agricultural industry, and such economic and sociological investigations as have for their purpose the development and improvement of the rural home and rural life, and for printing and disseminating the results of said researches.

Section 2. That the sums hereby authorized to be appropriated to the states and territories for the further endowment and support of agricultural experiment stations shall be annually paid in equal quarterly payments on the 1st day of January, April, July, and October of each year by the Secretary of the Treasury upon a warrant of the Secretary of Agriculture out of the Treasury of the United States, to the treasurer or other officer duly appointed by the governing boards of such agricultural experiment stations to receive the same and such officers shall be required to report to the Secretary of Agriculture on or before the 1st day of September of each year a detailed statement of the amount so received and of its disbursement on schedules prescribed by the Secretary of Agriculture. The grants of money authorized by this act are made subject to legislative assent of the several states and territories to the purpose of said grants: Provided, that payment of such installments of the appropriation herein authorized to be made as shall become due to any state or territory before the adjournment of the regular session of the

legislature meeting next after the passage of this act shall be made upon the assent of the governor thereof duly certified to the Secretary of the Treasury.

Section 3. That if any portion of the moneys received by the designated officer of any state or territory for the further and more complete endowment, support and maintenance of agricultural experiment stations as provided in this act shall by any action or contingency be diminished or lost or be misapplied, it shall be replaced by said state or territory to which it belongs, and until so replaced no subsequent appropriation shall be apportioned or paid to such state or territory, and no portion of said moneys exceeding ten per centum of each annual appropriation shall be applied directly or indirectly, under any pretense whatever, to the purchase, erection, preservation, or repair of any building o rbuildings or to the purchase or rental of land. It shall be the duty of each of the said stations annually, on or before the 1st day of February, to make to the governor of the state or territory in which it is located a full and detailed report of its operations, including a statement of receipts and expenditures for the fiscal year next preceding, a copy of which report shall be sent to each of the said stations and the Secretary of Agriculture and to the Secretary of the Treasury of the United States.

Section 4. That on or before the 1st day of July in each year after the pasage of this act the Secretary of Agriculture shall ascertain and certify to the Secretary of the Treasury as to each state and territory whether it is complying with the provisions of this act and is entitled to receive its share of the annual appropriations for agricultural experiment stations under this act and the amount which thereupon each is entitled, respectively, to receive. If the Secretary of Agriculture shall withhold from any state or territory a certificate of its appropriation, the facts and reasons therefor shall be reported to the President and the amount involved shall be kept separate in the Treasury until the close of the next Congress in order that the state or territory may, if it shall so

desire, appeal to Congress from the determination of the Secretary of Agriculture. If the next Congress shall not direct such sum to be paid, it shall be covered into the Treasury. The Secretary of Agriculture is hereby charged with the proper administration of this law.

Section 5. That the Secretary of Agriculture shall make an annual report to Congress on the receipts and expenditures and work of the agricultural experiment stations in all of the states and territories, and also whether the appropriation of any state or territory has been withheld; and if so, the reason therefor.

Section 6. That Congress may at any time amend, suspend, or repeal any and all of the provisions of this act.

Approved, February 24, 1925.

THE PURNELL ACT.

The Purnell Act authorziing "the more complete endowment of agricultural experiment stations, and for other purposes," was passed by the Sixty-Eighth Congress and approved February 24, 1925. Under this act, the experiment station is charged with the making of investiigations and experiments "bearing directly on the production, manufacture, preparation, use, distribution and marketing of agricultural products, and including such scientific researches as have for their purpose the establishment and maintenance of a permanent and efficient agricultural industry, and such economic and sociological investigations as have for their purpose the development and improvement of the rural home and rural life, and for printing and disseminating the results of said researches."

The grants of money authorized by this act are made subject to legislative assent of the several states and territories to the purpose of said grants. The legislature of Kentucky not being in session at the time of the passage of this act, the governor of the state has made formal assent to apply during the interim before the next session of the legislature, so that

the appropriations due under the act could be made to the experiment station. The formal assent of the legislature is now necessary for a continuation of the appropriation to the experiment station. The funds are appropriated directly to the experiment station for specific lines of work and no offset or additional appropriation is required from the state.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill being dispensed with, said bill was read the third time by its title only, and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	W. J. Curtis	W. W. Johnson
Wm. J. Arvin	J. L. Cushing	Mrs. H. G. Jorris
W. O. Bach	C. L. Daly	W. O. Keller
A. J. Baldridge	Mormon B. Daniel	J. R. Kelly
J. H. Baughman	J. R. Dorman	Thos. H. King
W. B. Belknap	E. J. Doss	J. S. Milliken
T. H. Benton	James M. Durham	T. R. Moore
Shaler Berry	J. O. Evans	L. P. Murphy
C. H. Berryman	D. W. Fowler	Chas. N. McCarty
Geo. A. Brown	Otto C. Gartin	J. L. McDavid
F. W. Bryant	R. E. Glenn	F. T. Nichols
J. R. Buckman	F. A. Gnau	Caleb Page
W. G. Buckner	Whitsett Hall	Smith Park
S. J. Bunger	J. F. Harrison	J. J. Patterson
W. A. Carson	C. W. Hawkins	Jas. J. Peters
C. B. Carver	J. M. Hayse	Geo. W. Potter
Lee Clark	Goebel B. Henson	W. H. Pryor
W. E. Clark	H. M. Holbrook	C. W. Ryans
Fred H. Coots	H. B. Holland	Chas. L. Seale
J. D. Cox	J. C. Hutcherson	M. G. Slusher
J. S. Cruse	E. M. Johnson	W. R. Smith

E. J. Snyder	Mac Swinford	C. D. Vincent
Frank L. Strange	J. L. Valandingham	W. S. Wallen
J. G. Swearengin	Chiles Van Antwerp	T. B. Watts

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Resolved that the title thereof be as aforesaid.

Mr. Berryman moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. H. B. Holland of the Committee on Enrollment reported that they had examined and found to be correctly enrolled, bills and resolutions of the following titles, viz.:

S. B. 45. An Act to change and fix the time, place and terms of court in the Twentieth Judicial District.

S. B. 4. An Act repealing Section 3783, Kentucky Statutes, as amended March 23, 1920, Chapter 80, page 159 of the Acts of 1922, said act relating to patrols, and re-enacting same.

S. Res. 16. Resolution providing for purchase of copies of Legislative Digest.

S. Res. 15. Resolution providing for the appointment of two Senators and three Representatives to constitute a Committee of the General Assembly of the Commonwealth of Kentucky, to investigate the income, receipts and disbursements of the Covington & Cincinnati Bridge Company, a corporation.

Thereupon all other business was suspended and said bills and resolutions were read at length and compared in open session and found to be correctly enrolled.

Thereupon in open session and in the presence of the House, the Speaker affixed his signature thereto.

Ordered that said bills and resolutions be delivered to the Enrolling Clerk of the Senate.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 118. An Act to repeal Section 68b-4, Kentucky Statutes, Carroll's 1922 Edition, relating to dog license tax.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 68b-4 Kentucky Statutes, Carroll's Edition, 1922, be and the same is hereby repealed, and all laws in conflict with this act are, to the extent of such conflict, hereby repealed.

Mr. Seale offered the following amendment thereto by way of substitute therefor, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 68b-4 Kentucky Statutes, Carroll's Edition, 1922, be repealed, and in lieu thereof the following be enacted.

68b-4. On or before the first day of January one thousand nine hundred and twenty-seven, and on or before the first day of January of each year thereafter, the owner of each dog in excess of one to each housekeeper, which dog shall bear a collar with the name of the owner and his address on metal plate permanently attached thereto, shall apply to the

county court clerk, or the deputy county court clerk, as hereinafter provided, of the county in which said owner resides, either orally or in writing for a license for each such dog kept or harbored by him. Such application shall state the breed, sex, age, color, and markings of such dog, and the name and address of the last previous owner; and shall be accompanied by a fee of two dollars for each male dog, and a fee of four dollars for each female over and above the one allowed to each housekeeper free, and a like fee for each one subsequent and in addition to the first one licensed as above provided for.

Mr. Hutcherson moved that said amendment by way of substitute to said bill lie on the table.

Said motion was agreed to.

And so said bill was rejected.

Mr. Jones moved that Master Francis Seale be appointed Honorary Page for this session.

Said motion was agreed to.

The House took up for consideration from the orders of the day, a bill entitled:

H. B. 145. An Act making an appropriation of $5,000.00 a year for each of the fiscal years 1926-1927, and 1927-1928 to the Bourbon Stock Yards Fat Stock Show Association of Louisville, Kentucky, to meet the premium expenses thereof for the fiscal years ending June 30, 1927, and June 30, 1928.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the following sums are hereby appropriated out of any money in the State Treasury not otherwise appropriated to the Bourbon Stock Yards Fat Stock Show Association of Louisville, Kentucky, to be used in the payment of such premiums as may be offered by said association in holding its annual live stock show at Louisville, Kentucky: Five thousand dollars ($5,000.00) for the fiscal year ending June 30, 1927, and five thousand dollars ($5,000.00) for the fiscal year ending June 30, 1928; provided, however, that before the Auditor of state shall issue any warrant for the payment of said funds there shall be placed on file in his office an itemized statement under the certificate of said association, showing the total receipts and disbursements connected with the holding of said association's exposition for the preceding year under which this appropriation is made payable.

§ 2. The Auditor of state is hereby authorized and directed to draw his warrants upon the Treasurer of state for the several amounts and for the purpose as herein appropriated upon duly verified vouchers approved by the board of directors of the Bourbon Stock Yards Fat Stock Show Association of Louisville, Kentucky.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only, and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	L. D. Bax	Geo. A. Brown
W. B. Ardery	W. B. Belknap	F. W. Bryant
Wm. J. Arvin	T. H. Benton	J. R. Buckman
W. O. Bach	Shaler Berry	S. J. Bunger
J. H. Baughman	C. H. Berryman	C. B. Carver

Lee Clark	H. B. Holland	F. T. Nichols
Lonnie Cooper	Ira L. Horne	Smith Park
Fred H. Coots	J. C. Hutcherson	J. J. Patterson
J. D. Cox	E. M. Johnson	Jas. J. Peters
J. S. Cruse	W. W. Johnson	Geo. W. Potter
W. J. Curtis	D. C. Jones	W. H. Pryor
J. R. Dorman	Mrs. H. G. Jorris	Philip J. Ryan
E. J. Doss	J. R. Kelly	C. W. Ryans
J. O. Evans	Thos. H. King	Chas. L. Seale
D. W. Fowler	J. L. Manning	M. G. Slusher
Otto C. Gartin	A. M. Mercer	W. R. Smith
R. E. Glenn	J. S. Milliken	E. J. Snyder
F. A. Gnau	T. R. Moore	Frank L. Strange
Whitsett Hall	B. T. Morris	J. L. Valandingham
J. F. Harrison	L. P. Murphy	C. D. Vincent
C. W. Hawkins	Chas. N. McCarty	W. S. Wallen
J. M. Hayse	J. L. McDavid	T. B. Watts
H. M. Holbrook	W. J. McGill	

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Those who voted in the negative were—

W. A. Carson	Mormon B. Daniel	Clint Raymer
W. E. Clark	Goebel B. Henson	Mac Swinford
C. L. Daly	Caleb Page	Chiles Van Antwerp

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Resolved that the title thereof be as aforesaid.

Mr. Belknap moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 68. An Act relating to municipal bands in municipalities of the Fourth, (4), Fifth (5), and Sixth (6) class municipalities, and providing for their maintenance.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any incorporated municipality of the Fourth (4), Fifth (5), or Sixth (6) class, may when authorized, as hereinafter provided, levy each year, a tax, not to exceed twenty cents on each one hundred ($100.00) dollars' worth of taxable property situate within said municipality, which is taxable for municipal purposes, for the maintenance of a municipal band, and to provide funds for the employment of a band instructor or leader, and to buy musical instruments and uniforms for the members of a municipal band organized under the provisions of this Act.

§ 2. Such tax shall not be levied in any municipality coming under the provisions of this Act, unless a petition requesing the organization of a municipal band is filed with the clerk of the municipality requesting the organization of such a band, and such petition shall be signed by at least five (5%) per cent. of the legal voters of the said municipality as shown by the last regular municipal election held in said municipality. And said petition shall request that the following question shall be submitted to the voters at the next election to be held in said municipality, and said question shall be certified and caused to be printed upon the official ballots to be used in said next municipal election, as follows: "Are you in favor of the organization and maintenance of a municipal band in ..... Kentucky?" Said petition shall be filed at least thirty days prior to the date of the election at which said question is requested to be submitted to the vote of the electors of said municipality.

§ 3. When such petition is filed as provided for in section two hereof the council or board of trustees of such municipality shall enter an order on the minute book of their proceedings requiring and providing for the submission of said

question to the electors of the municipality for their approval or rejection. The clerk of the municipality shall certify said question to the county clerk of the county in which said municipality is located and it shall be the duty of the county court clerk of said county to cause the same to be printed upon the municipal ballots to be used at the election immediately following the certification to him the said question in the form provided for in this Act, and the county court clerk shall provide on said official ballot the word "yes" and the word "no" and a square opposite each of said words, so that an elector who is in favor of said proposition can vote in the square opposite the word "yes" and an elector opposed to said proposition can vote in the square opposite the word "no," and the vote on said question shall be counted and certified as the vote for municipal officers are certified and counted

§ 4. It shall be the duty of the council or board of trustees of such municipality to make such levy within the limits provided for in this Act, if the said question is approved by a majority of the votes cast on said question at said municipal election, providing for the organization and maintenance of a municipal band in said municipality. The petition may propose a lower levy than is authorized by this Act, and if so, the levy shall not exceed the rate of levy proposed in the petition requesting the submission of said question to the legal voters of said municipality for their approval or rejection.

§ 5. A petition may be filed at any time requesting that the proposition be submitted to abolish a municipal band organized under the provisions of this act, and said question shall be as follows: "Are you in favor of repealing the tax levied for the maintenance of a municipal band?" This petition shall be signed by at least five (5%) per cent. of the legal electors in said municipality as shown by the vote cast at the last regular municipal election held in said municipality, and the petition must be filed at least thirty (30) days prior to the election at which the proposition is to be submitted for the approval or rejection of the electors and said

municipality. The question shall be submitted under the provisions of Section 3 hereof, and if a majority of the electors voting on said question in said municipality vote for said proposition, it shall be the duty of the county or board of trustees of said municipality to repeal the levy for the maintenance of the municipal band provided for in this Act, and to provide funds to employ an instructor or band leader and to purchase uniforms and musical instruments therefor.

§ 6. All funds raised by the levy provided for herein to maintain a municipal band shall be kept in the treasury of the municipality and shall be disbursed on appropriations of the council or board of trustees of said municipality, for the employment of a band leader or instructor and for a musical instruments and uniforms.

§ 7. All Acts or parts of Acts in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only, and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. J. Arvin	Lonnie Cooper	J. M. Hayse
J. H. Baughman	Fred H. Coots	H. M. Holbrook
L. D. Bax	J. S. Cruse	S. K. Holland
W. B. Belknap	J. R. Dorman	D. C. Jones
T. H. Benton	E. J. Doss	Mrs. H. G. Jorris
Shaler Berry	James M. Durham	J. R. Kelly
C. H. Berryman	J. O. Evans	J. L. Manning
F. W. Bryant	D. W. Fowler	Joe Martin
C. B. Carver	F. A. Gnau	J. S. Milliken
Lee Clark	C. W. Hawkins	T. R. Moore

B. T. Morris	Geo. W. Potter	J. L. Valandingham
L. P. Murphy	Clint Raymer	C. D. Vincent
W. J. McGill	M. G. Slusher	W. S. Wallen
F. T. Nichols	W. R. Smith	T. B. Watts
Smith Park	E. J. Snyder	
J. J. Patterson	Frank L. Strange	

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Those who voted in the negative were—

W. B. Ardery	J. F. Harrison	Caleb Page
W. O. Bach	Goebel B. Henson	Jas. J. Peters
A. J. Baldridge	H. B. Holland	W. H. Pryor
W. A. Carson	Ira L. Horne	J. G. Swearengin
J. D. Cox	W. W. Johnson	Mac Swinford
C. L. Daly	Thos. H. King	Chiles Van Antwerp
Mormon B. Daniel	Chas. N. McCarty	
Whitsett Hall	J. L. McDavid	

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Resolved that the title thereof be as aforesaid.

Mr. Potter moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Smith moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

TUESDAY, FEBRUARY 23, 1926.

The House was opened with prayer by the Reverend J. Howard Gibbons of the Protestant Episcopal Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

Lewis Allen
W. B. Ardery
Wm. J. Arvin
W. O. Bach
A. J. Baldridge
J. H. Baughman
L. D. Bax
T. H. Benton
Shaler Berry
C. H. Berryman
W. P. Bowman
D. F. Brown
Geo. A. Brown
F. W. Bryant
J. R. Buckman
W. G. Buckner
S. J. Bunger
W. A. Carson
C. B. Carver
Lonnie Cooper
Fred H. Coots
J. D. Cox
J. S. Cruse
W. J. Curtis
J. L. Cushing
C. L. Daly
Mormon B. Daniel
J. R. Dorman
E. J. Doss
James M. Durham
J. O. Evans
D. W. Fowler
Otto C. Gartin
R. E. Glenn
F. A. Gnau
Whitsett Hall
Lawrence Harmon
C. W. Hawkins
J. M. Hayse
H. M. Holbrook
H. B. Holland
S. K. Holland
Ira L. Horne
J. C. Hutcherson
E. M. Johnson
W. W. Johnson
Mrs. H. G. Jorris
W. O. Keller
J. R. Kelly
Thos. H. King
Oscar Leibson
W. W. Leslie
Leon P. Lewis
J. L. Manning
Joe Martin
A. M. Mercer
H. J. Meyers
J. S. Milliken
T. R. Moore
B. T. Morris
L. P. Murphy
Chas. N. McCarty
J. L. McDavid
W. J. McGill
F. T. Nichols
Caleb Page
Smith Park
Geo. W. Potter
W. H. Pryor
Clint Raymer
R. R. Rogers
Chas. L. Seale
M. G. Slusher
W. R. Smith
E. J. Snyder
Frank L. Strange
J. G. Swearengin
Mac Swinford
J. L. Valandingham
C. D. Vincent
W. S. Wallen
T. B. Watts

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. Lewis moved that a leave of absence be granted to Mr. Belknap.

Said motion was agreed to.

Mr. Doss moved that the Rules be suspended and that a bill entitled:

H. B. 390. An Act amending Section 4399a-9, Carroll's edition, Kentucky Statutes, relating to the settlement of the Treasurer of the County Board of Education,

Be made a Special Order of this House for today at eleven o'clock A. M.

Said motion was agreed to.

Mr. Hutcherson moved that the Rules be suspended and that a bill entitled:

S. B. 30. An Act to repeal section 1 of chapter 221 entitled "An Act relating to Courts of Justice, being section 949, Kentucky Statutes, 1922 Edition,"

Be made a special order of this House for tomorrow at two-thirty o'clock P. M.

Said motion was disagreed to.

Mr. Strange moved that the rules be suspended and that a bill entitled:

H. B. 447. An Act to amend sections 1 and 4 of chapter 43 of the Acts of the General Assembly of 1914, relating to the office of stenographer for the county judge in certain counties, being section 1061a-1 and 1061a-4, Carroll's Kentucky Statutes, 1922 Edition,

Be made a special order of this House for today at one-thirty o'clock P. M.

Said motion was agreed to.

Mr. Snyder moved that the rules be suspended and that a bill entitled:

H. B. 297. An Act to amend and re-enact section 1376b-2, Kentucky Statutes, relating to Agricultural Seeds,

Be made a special order of this House for today at two-thirty P. M.

Said motion was agreed to.

Mr. Potter moved that the privilege of the floor be extended to Mr. George Colvin.

Said motion was agreed to.

Mr. Bax moved that the rules be suspended and that the House take up for immediate consideration from the orders of the day, a bill entitled:

S. B. 60. An Act to repeal an Act approved March 20, 1914, being chapter 63 of the Acts of 1914, and section 537b Carroll's Kentucky Statutes, and in lieu thereof to re-enact same; providing for a clerk and a stenographer for coroners in counties of more than 200,000 and fixing the powers, duties and salaries thereof.

Said motion was agreed to.

Thereupon the House took up for consideration from the orders of the day, said bill.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act approved March 20, 1914, being Chapter 63 of the Acts of 1914, and section 537b of Carroll's Kentucky Statutes, is hereby repealed, an in lieu thereof there is enacted the following:

§ 2. That in all counties in this Commonwealth having a population of 200,000 or over, there is hereby created the office of deputy or clerk to the coroner of such counties. Such deputy or clerk shall be appointed by the coroner of such county for a term of four years, but may be removed at any time by said coroner.

§ 3. It shall be the duty of said deputy or clerk to keep the books of said office, summons jurors and witnesses for inquests and to perform such other duties as may be assigned to him by said coroner.

§ 4. Such deputy or clerk shall, by virtue of his office have the same power of serving summons for jurors, subpoenas for witnesses, and other process for such coroner as a deputy sheriff.

§ 5. The salary of said deputy or clerk shall be two thousand four hundred ($2,400.00) dollars per annum, payable out of the county levy, in equal monthly installments.

§ 6. That in said counties there is also created the office of stenographer to the coroner, whose duties shall be the performance of any stenographic or clerical work required by the coroner in connection with said office; said stenographer to be appointed by the coroner and removable at will; and to receive a salary of not exceeding twelve hundred ($1,200.00) dollars per annum, payable out of the county levy in equal monthly installments.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	E. J. Doss	J. S. Milliken
W. B. Ardery	J. O. Evans	T. R. Moore
Wm. J. Arvin	D. W. Fowler	B. T. Morris
W. O. Bach	Otto C. Gartin	L. P. Murphy
A. J. Baldridge	R. E. Glenn	J. L. McDavid
J. H. Baughman	F. A. Gnau	F. T. Nichols
L. D. Bax	Whitsett Hall	Caleb Page
T. H. Benton	Lawrence Harmon	Smith Park
Shaler Berry	C. W. Hawkins	Geo. W. Potter
C. H. Berryman	J. M. Hayse	W. H. Pryor
W. P. Bowman	H. B. Holland	Clint Raymer
D. F. Brown	Ira L. Horne	R. R. Rogers
Geo. A. Brown	J. C. Hutcherson	Philip J. Ryan
F. W. Bryant	E. M. Johnson	M. G. Slusher
J. R. Buckman	W. W. Johnson	W. R. Smith
W. G. Buckner	Mrs. H. G. Jorris	E. J. Snyder
S. J. Bunger	W. O. Keller	Frank L. Strange
C. B. Carver	J. R. Kelly	J. G. Swearengin
Lonnie Cooper	Thos. H. King	Mac Swinford
J. D. Cox	Oscar Leibson	J. L. Valandingham
J. S. Cruse	W. W. Leslie	Chiles Van Antwerp
W. J. Curtis	Leon P. Lewis	C. D. Vincent
J. L. Cushing	Joe Martin	T. B. Watts
Mormon B. Daniel	Shelby Martin	
J. R. Dorman	A. M. Mercer	

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There voted in the negative—

W. A. Carson

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Resolved that the title thereof be as aforesaid.

Mr. Bax moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed bills which originated in that body of the following titles, viz.:

1. S. B. 244. An Act to repeal chapter 96 of the Acts of the General Assembly of 1920 entitled: "An Act to prescribe and provide a license tax upon all persons, firms or corporations standing a stud horse, jack or bull in this Commonwealth, fixing the date of the expiration of licenses provided for, and providing the manner of registering and recording the breed, name, age, color, sire and dam of the animal to be licensed and fixing a fee for such registration, and fixing penalties for failure to provide licenses" and to amend chapter 118 of the Acts of the General Assembly of 1918 entitled "An Act to prescribe and provide a license tax upon all persons, firms or corporations standing a stud horse, jack or bull in this Commonwealth, and fixing the amount of said license, fixing the date of the expiration of the license provided for, and providing the manner for the registering and recording of the breed, name, age, color, sire and dam of the animal to be licensed, and fixing a fee for such registration, and fixing a penalty for failure to procure licenses" so as to provide that any unexpended balance after deducting the cost of administration of this law shall be credited to the premium fund of the Kentucky State Fair, and to re-enact as amended the said chapter 118 of the Acts of the General Assembly of 1918.

2. S. B. 216. An Act relating to State Normal Schools and Teachers Colleges; providing for the granting of teachers' certificates upon credentials; empowering Boards of Regents of State Normal Schools to confer certificates and degrees; repealing, amending subsection (g), chapter 55 and

section 10 of chapter 60 of the Acts of the General Assembly of 1924.

Ordered that said bills be printed and referred as follows, viz.:

1. To Committee on Agriculture.

2. To Committee on Normal Schools.

And that they had passed bills which originated in this body of the following titles, viz.:

H. B. 117. An Act relating to revenue and taxation; fixing the annual tax rate on unmanufactured agricultural products, other than unmanufactured agricultural products actually on hand at the plants of manufacturing concerns for the purpose of manufacture, and other than unmanufactured agricultural products in the hands of the producer or in the hands of any agent or agency of the producer to which said products have been conveyed or assigned for the purpose of sale by the producer; fixing the date of assessment; prescribing by whom the tax shall be paid; limiting the local rate of ad valorem taxation on unmanufactured agricultural products; providing for the distribution of the fund derived from such taxation; providing for the assessment, equalization and collection of the tax.

H. B. 2. An Act to provide money for the maintenance and furnishing of a county hospital in counties having a city of the fifth class; and, in which there is established, in such county, a Community Hospital; that is, a non-dividend paying hospital, constructed by donation, or, endowment fund.

Ordered that said bills be delivered to the Enrolling Clerk of this House.

Mr. Hutcherson moved that the vote by which the House refused to make S. B. 30 a Special Order of the day for today, be reconsidered.

Said motion was agreed to.

Mr. Hutcherson moved that the Rules be suspended and that said bill be taken up for immediate consideration.

Said motion was agreed to.

Thereupon the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 30. An Act to repeal section 1 of chapter 221, entitled "An Act relating to Courts of Justice," which was approved June 10, 1893, being section 949 of Kentucky Statutes, and to substitute in lieu thereof the section herein enacted, relating to the jurisdiction of the Court of Appeals.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 1 of chapter 221, of "An Act relating to courts of justice," which was approved June 10, 1893, being section 949 of Kentucky Statutes, be and the same is hereby repealed.

In lieu of said section the following is enacted:

Section 1. Power vested in Court of Appeals to administer oaths, punish contempts, and make rules consistent with law, for the government of its proceedings, and to issue such writs as may be necessary to give it general control of inferior jurisdictions; and during a vacation or recess of the court, a

written order signed by one or more of its judges filed in its clerk's office by which is issued any of such writs, shall have the same effect as if issued by the court and the said order and writ shall remain in effect until modified or set aside by the court; and to any judge thereof power it given to reinstate attachments, and to issue, modify, dissolve and reinstate injunctions as is provided by law.

Mr. Leon P. Lewis offered the following amendment to said bill, viz.:

Amend S. B. 30 by adding after the word "Statutes" in in line 3 of the printed bill the words "Carroll's 1915 Edition."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The third reading of said bill at length being dispensed with, and the said bill having been engrossed it was read the third time by its title and passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	C. H. Berryman	Lonnie Cooper
W. B. Ardery	W. P. Bowman	J. D. Cox
Wm. J. Arvin	Geo. A. Brown	J. S. Cruse
W. O. Bach	F. W. Bryant	W. J. Curtis
A. J. Baldridge	J. R. Buckman	J. L. Cushing
J. H. Baughman	W. G. Buckner	C. L. Daly
L. D. Bax	S. J. Bunger	Mormon B. Daniel
T. H. Benton	W. A. Carson	J. R. Dorman
Shaler Berry	C. B. Carver	E. J. Doss

James M. Durham
D. E. Edwards
J. O. Evans
D. W. Fowler
Otto C. Gartin
R. E. Glenn
F. A. Gnau
Whitsett Hall
Lawrence Harmon
C. W. Hawkins
J. M. Hayse
H. M. Holbrook
H. B. Holland
Ira L. Horne
J. C. Hutcherson
W. W. Johnson
Mrs. H. G. Jorris
Thos. H. King
Oscar Leibson
Leon P. Lewis
J. L. Manning
Joe Martin
A. M. Mercer
J. S. Milliken
T. R. Moore
B. T. Morris
L. P. Murphy
Chas. N. McCarty
J. L. McDavid
W. J. McGill
F. T. Nichols
Caleb Page
Smith Park
Geo. W. Potter
W. H. Pryor
Clint Raymer
R. R. Rogers
Philip J. Ryan
M. G. Slusher
W. R. Smith
E. J. Snyder
Frank L. Strange
J. G. Swearengin
Mac Swinford
J. L. Valandingham
Chiles Van Antwerp
T. B. Watts

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Mr. Leon P. Lewis offered the following amendment to the title of said bill, viz.:

Amend the title of S. B. 30 by adding after the word "Statutes" the words "Carroll's 1915 Edition."

Said amendment was agreed to.

Resolved that the title thereof be as amended.

Mr. Hutcherson moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Doss moved that the vote by which the House refused to make H. B. 390 a Special Order of the Day for today, be reconsidered.

Said motion was agreed to.

Mr. Doss moved that the rules be suspended and that said bill be taken up for immediate consideration.

Said motion was agreed to.

Thereupon the House took up for consideration from the orders of the day, a bill entitled:

H. B. 390. An Act amending section 399a-9, Carroll's Edition, Kentucky Statutes, relating to the settlement of the Treasurer of the County Board of Education.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonmonwealth of Kentucky:

That Section 4399a-9, Carroll's Edition, Kentucky Statutes, be amended so that when amended and re-enacted shall read as follows:

The county board of education shall hereafter provide for at least an annual audit of its business and financial transactions and of the account of its treasurer by special accountant, agent approved by the Superintendent of Public Instruction himself, and that the result of this audit shall be made public by the fiscal court in one issue of some newspaper which has general circulation in the county. Such audit with all vouchers shall be filed with the county court clerk and recorded, as is required of other public documents. This audit shall be made during the month of July, as directed by the Superintendent of Public Instruction.

Each county board of education shall make all reports required by the State Board of Education and the Superintendent of Public Instruction, at such time and upon such blanks as may be prescribed by the State Board of Education and the Superintendent of Public Instruction.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only, and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	James M. Durham	J. S. Milliken
W. B. Ardery	D. E. Edwards	T. R. Moore
Wm. J. Arvin	D. W. Fowler	B. T. Morris
W. O. Bach	Otto C. Gartin	L. P. Murphy
A. J. Baldridge	R. E. Glenn	Chas. N. McCarty
J. H. Baughman	F. A. Gnau	J. L. McDavid
T. H. Benton	Whitsett Hall	W. J. McGill
Shaler Berry	Lawrence Harmon	F. T. Nichols
C. H. Berryman	C. W. Hawkins	Caleb Page
W. P. Bowman	J. M. Hayse	Smith Park
Geo. A. Brown	H. M. Holbrook	Geo. W. Potter
F. W. Bryant	H. B. Holland	W. H. Pryor
J. R. Buckman	Ira L. Horne	Clint Raymer
W. G. Buckner	J. C. Hutcherson	R. R. Rogers
S. J. Bunger	W. W. Johnson	Philip J. Ryan
W. A. Carson	D. C. Jones	Chas. L. Seale
C. B. Carver	Mrs. H. G. Jorris	M. G. Slusher
Lonnie Cooper	W. O. Keller	W. R. Smith
J. D. Cox	J. R. Kelly	E. J. Snyder
J. S. Cruse	Thos. H. King	Frank L. Strange
W. J. Curtis	Oscar Leibson	J. G. Swearengin
J. L. Cushing	Leon P. Lewis	Mac Swinford
C. L. Daly	J. L. Manning	J. L. Valandingham
Mormon B. Daniel	Joe Martin	Chiles Van Antwerp
J. R. Dorman	Shelby Martin	C. D. Vincent
E. J. Doss	A. M. Mercer	T. B. Watts

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Resolved that the title thereof be as aforesaid.

Mr. Doss moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Leon P. Lewis moved that when this House adjourn today, it adjourn out of respect to the memory of the Hon. C. C. Given, former member of this House, who died at the city Hospital of Frankfort on Sunday morning, February 21st.

Said motion was agreed to.

Mr. Milliken moved that Miss Frances Louise Jones be appointed Honorary Page of this House for the session.

Said motion was agreed to.

Mr. Fowler moved that the session of today be extended indefinitely.

Said motion was agreed to.

Mr. Rayner moved that the Rules be suspended and that a bill entitled:

H. B. 108. An Act to amend Sec. 203 of Codes of Practice in criminal cases relating to peremptory challenges allowed defendant in selecting jury,

Be made a Special Order of this House and be taken up for immediate consideration.

Said motion was disagreed to.

Upon a call of the Counties and Legislative Districts, the following bills were introduced, ordered printed and referred as follows, viz.:

By Mr. Berry:

H. B. 536. An Act repealing and re-enacting section 3142B-7 of Carroll's Statutes of 1922 and enlarging the powers of the trustees of the Firemen's and Policemen's Pension Fund.

To committee on cities of the 2nd and 3rd classes.

By Mr. George A. Brown:

H. B. 537. An Act to repeal and re-enact section 1166, Kentucky Statutes, 1915, Carroll's Edition, prescribing penalties for malicious shooting, stabbing or poisoning, with intent to kill, and fixing such penalties at five to fifteen years' imprisonment.

To Committee on Criminal Law.

By Mr. Fowler:

H. B. 538. An Act authorizing the Adjutant of Kentucky to expend an amount not exceeding five thousand ($5,000) dollars for the purpose of publishing a book from the records file of that office of the officers and enlisted men from Kentucky, who answered the call of the President on June 16, 1916, for military services on the Mexican border.

To Committee on Military Affairs.

By same:

H. B. 539. An Act to amend chapter 43, page 436, Acts of the General Assembly of Kentucky, 1915, being section 2711a, paragraph 126 of the Kentucky Statutes, relating to drills held by the Kentucky National Guard.

To Committee on Military Affairs.

By Mr. Baldridge:

H. B. 540. An Act to amend, revise and re-enact section 1210 of the Kentucky Statutes, relating to Sodomy and Buggery.

To Committee on Criminal Law.

By same:

H. B. 541. An Act to prevent evasion of payment of the five cents gasoline tax enacted at this session of the Legislature.

To Committee on Revenue and Taxation No. 1.

By Mr. Rogers:

H. B. 542. An Act relating to the creating of sewer districts in counties of the State, and providing for the establishment, construction, or purchase of a sewer system, prescribing the methods of assessment and collection of costs, and expenditures thereof; providing for the appointment of commissioners, officers and employees and prescribing their duties and providing for their payment; and the issuing and selling of district bonds with which to secure funds to defray the costs and expenses of any such improvements.

To Committee on Judiciary.

By Mr. McGill:

H. B. 543. An Act creating and establishing as a part of the primary system of highways of the State of Kentucky

that part of the old Bardstown and Green River Turnpike between the village of White City near top of Muldraughs Hill and the town of Buffalo, in Larue county, to be known as Project —.

To Committee on Roads and Highways No. 2.

By Mr. Milliken:

H. B. 544. An Act establishing a road from Russellville in Logan county, Kentucky, to Orondorff's Mill over the route known as the Orandorff's Mill road, as the State Primary Road and designating said project as Project —.

To Committee on Roads and Highways No. 2.

The House took up for consideration from the Calendar, bills of the following titles, viz.:

H. B. 124. An Act to amend subsection c of section 2739g-2 of chapter 90 of the Acts of the General Assembly, 1922, relating to license fees of passengers automobiles.

H. B. 309. An Act to amend section 4368, Kentucky Statuates, Carroll's Edition, 1922, relating to the teaching of sectarian, infidel or immoral books in the common schools of this Commonwealth.

H. B. 401. An Act providing for the enforcement of contribution among wrongdoers.

H. B. 391. An Act repealing and re-enacting chapter 47, Acts of the General Assembly of 1922, same relating to Banks and Banking.

H. B. 385. An Act relating to the Banking and Trust Business, repealing and re-enacting chapter 34 of the Acts of

1914, which same is now section 165a-20 of the Kentucky Statutes of 1922.

H. B. 392. An Act to repeal and re-enact chapter 46 Acts of the General Assembly of 1922, relating to fees for examination of banks and trust companies.

H. B. 387. An Act to repeal and re-enact section 10 of chapter 4 of the Acts of the General Assembly of 1912, same being section 165a-10, Kentucky Statutes, relating to Banks and Banking.

H. B. 386. An Act to repeal and re-enact section 5 of chapter 4, Acts of the General Assembly of 1914, relating to the State Banking Department, same being section 165a-5, Kentucky Statutes.

Ordered that said bills be read the second time.

The Constitutional provision as to the second reading of said bills at length being dispensed with, said bills were read the second time by their titles only.

Ordered that said bill be placed in the orders of the day.

The House took up for consideration from the orders of the day, a bill entitled:

H. B. 74. An Act authorizing corporations to issue stock without nominal or par value.

Mr. Milliken moved that said bill be recommitted with leave to report at any time.

Said motion was agreed to.

Mr. Milliken moved that the rules be suspended and that the House take up for immediate consideration from the orders of the day, a bill entitled:

S. B. 18. An Act to amend section 564, Kentucky Statutes, Carroll's 1915, relating to corporations.

Said motion was agreed to.

Thereupon the House took up for consideration, from the orders of the day, said bill.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) That section 564, Kentucky Statutes, Carroll's edition 1915, be and the same is amended by adding the following, which shall be subsection 2 of said section 564, to-wit

(2) Stock Without Par Value.—Any corporation organized under this law may, if so provided in its certificate of incorporation or in an amendment thereof, issue shares of stock (other than stock preferred as to dividends or preferred as to its distributive share of the assets of the corporation or subject to redemption at a fixed price) without any nominal par value. Every share of such stock without nominal par value shall be equal to every other share of such stock, except that the certificate of incorporation may provide that such stock shall be divided into different classes with such designations and voting powers or restriction or qualification thereof as shall be stated therein, but all such stock shall be subordinate to the preferences given to preferred stock, if any. Such stock may be issued by the corporation from time to time for such consideration as may be fixed from time to time by the board of directors thereof, pursuant to authority conferred in the certificate of incorporation, or if such certificate shall not

so provide, then by the consent of the holders of two-thirds of each class of stock then outstanding and entitled to vote given at a meeting called for that purpose in such manner as shall be prescribed by the by-laws, and any and all such shares so issued, the full consideration for which has been paid or delivered, shall be deemed full paid stock and not liable to any further call or assessment thereon, and the holder of such shares shall not be liable for any further payments under the provisions of this chapter. In any case in which the law requires that the par value of the shares of stock of a corporation be stated in any certificate or paper, it shall be stated, in respect of such shares, that such shares are without par value, and whenever the amount of stock, authorized or issued, is required to be stated, the number of shares authorized or issued shall be stated, and it shall also be stated that such shares are without par value. For the purpose of taxes prescribed to be paid on the filing of any certificate or other paper relating to corporations and of franchise taxes prescribed to be paid by corporations to this state, but for no other purpose, such shares shall be taken to be of the par value of one hundred dollars each.

So that said section as thus amended shall read as follows, to-wit:

Any corporation organized under this law may divide its shares into classes, such as preferred, common and deferred shares, or as may be otherwise designated, and it may give to each of the several classes such priority of right in the payment of the dividends, and in the redemption of the shares, as may be prescribed in the rules and regulations adopted by the shareholders; and may provide that the holders of its bonds shall be entitled, upon terms prescribed by it, to convert the same into the stock of the corporation, whether common or preferred, and that holders of its preferred stock shall be entitled, upon terms prescribed by it, to convert the same into the bonds or other obligations of the corporation. No preferred stock shall be issued except for cash or its equivalent,

nor for less than the par value of the shares, which shall be stated in the certificates representing the preferred and common stock respectively. Any such corporation, all of whose outstanding stock is common stock may, by a resolution adopted by the vote of the holders of not less than two-thirds in amount of its outstanding capital stock, cast in person or by proxy, at a special meeting of stockholders called for the purpose and of which notice shall have been given as provided in the by-laws of the company, at least twenty days before the date of the annual meeting of the stockholders of the company, or by the written consent of the holders of not less than two-thirds in amount of its capital stock, distribute or convert its outstanding capital stock into preferred and common stock in such proportion as shall be fixed by such resolution or written consent: Provided, that all holders of stock of the company at the time of such distribution shall be entitled to the some prorata proportions of such preferred and common stock. And by a resolution adopted by the like vote or by such written consent, the capital stock of any corporation may be increased and the increased stock may be common or preferred stock, or partly one and partly the other, as may be fixed by such resolution or written consent. Any such preferred stock hereinbefore referred to shall be entitled to receive quarterly, semi-annual or annual dividends thereon at such rate as may be prescribed by the resolution or written consent under which the same was issued, and such dividends shall be payable as provided in the said resolution or written consent, before any dividends shall be declared on the common stock; and on the dissolution of the company, voluntary or otherwise, the holders of preferred stock shall be entitled to have their shares redeemed at par before any distribution of any parts of the assets of the company shall be made to the holders of the common stock.

(2) Stock Without Par Value.—Any corporation organized under this law may, if so provided in its certificate of incorporation or in an amendment thereof, issue shares of stock

(other than stock preferred as to dividends or preferred as to its distributive shares of the assets of the corporation or subject to redemption at a fixed price) without any nominal par value. Every share of such stock without nominal par value shall be equal to every other share of such stock, except that the certificate of incorporation may provide that such stock shall be divided into different classes with such designations and voting powers or restriction or qualification thereof as shall be stated therein, but all such stock shall be subordinate to the preference given to preferred stock, if any. Such stock may be issued by the corporation from time to time for such consideration as may be fixed from time to time by the board of directors, thereof, pursuant to authority conferred in the certificate of incorporation, or if such certificate shall not so provide, then by the consent of the holders of two-thirds of each class of stock then outstanding and entitled to vote given at a meeting called for that purpose in such manner as shall be prescribed by the by-laws, and any and all such shares so issued, the full consideration for which has been paid or delivered, shall be deemed full paid stock and not liable to any further call or assessment thereon, and the holder of such shares shall not be liable for any further payments under the provisions of this chapter. In any case in which law requires that the par value of the shares of stock of a corporation be stated in any certificate or paper, it shall be stated, in respect of such shares, that such shares are without par value, and whenever the amount of stock, authorized or issued, is required to be stated, the number of shares authorized or issued shall be stated, and it shall also be stated that such shares are without par value. For the purpose of the taxes prescribed to be paid on the filing of any certificate or other paper relating to corporations and of franchise taxes prescribed to be paid by corporations to this state, but for no other purpose, such shares shall be taken to be of the par value of one hundred dollars each.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only, and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen
W. B. Ardery
W. O. Bach
A. J. Baldridge
J. H. Baughman
L. D. Bax
T. H. Benton
Shaler Berry
C. H. Berryman
W. P. Bowman
D. F. Brown
Geo. A. Brown
F. W. Bryant
J. R. Buckman
W. G. Buckner
S. J. Bunger
W. A. Carson
Lonnie Cooper
J. D. Cox
J. S. Cruse
W. J. Curtis
J. L. Cushing
C. L. Daly
Mormon B. Daniel
J. R. Dorman
E. J. Doss
James M. Durham
D. E. Edwards
J. O. Evans
D. W. Fowler
Otto C. Gartin
R. E. Glenn
F. A. Gnau
Whitsett Hall
Lawrence Harmon
C. W. Hawkins
J. M. Hayse
H. M. Holbrook
H. B. Holland
J. C. Hutcherson
E. M. Johnson
W. W. Johnson
D. C. Jones
Mrs. H. G. Jorris
W. O. Keller
Thos. H. King
Oscar Leibson
Leon P. Lewis
J. L. Manning
Shelby Martin
A. M. Mercer
J. S. Milliken
T. R. Moore
B. T. Morris
L. P. Murphy
Chas. N. McCarty
J. L. McDavid
F. T. Nichols
Caleb Page
Smith Park
Geo. W. Potter
W. H. Pryor
R. R. Rogers
Philip J. Ryan
C. W. Ryans
M. G. Slusher
W. R. Smith
E. J. Snyder
J. G. Swearengin
Mac Swinford
J. L. Valandingham
Chiles Van Antwerp
C. D. Vincent

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Resolved that the title thereof be as aforesaid.

Mr. Milliken moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The hour of twelve o'clock having arrived, Mr. Milliken moved that the House do now recess until one o'clock P. M.

Said motion was agreed to.

The hour of one o'clock P. M. having arrived, the Speaker resumed the Chair and called the House to order.

The House took up for consideration from the orders of the day a bill entitled:

H. B. 48. An Act to amend and re-enact section 1055 of the Kentucky Statutes (Carroll's 1915) providing for the record books of the judge of the quarterly court and said quarterly court; providing for the appointment of the clerk and deputies of said court, their compensation and the disposition of fees from said court, with certain provisions regarding same, applicable only to counties having a population of one hundred and fifty thousand (150,000) or more.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The judge of the quarterly court shall keep a record of all his official acts out of term time, and shall keep a docket, order book and execution book, in which shall be recorded, as clerks are required to do, the proceedings of the court, and shall fix a rule day for the return of executions and other process. The record books shall be paid for by the county. He may appoint a clerk of his court, who shall have power to

file papers and issue all process and administer the oaths: Provided, That in counties having a population of one hundred and fifty thousand or more the county judge elected at a regular election for said office shall, on the first Monday in July succeeding his election, appoint for a period of four years a clerk and two deputy clerks of the quarterly court, who shall have power to file papers and issue all processes, and for their services the clerk shall be paid at the rate of three thousand dollars per annum, and each of the deputy clerks at the rate of fifteen hundred dollars per annum, said salaries to be paid in monthly installments and by the fiscal court of the county in which said clerk and deputies are appointed, out of the county treasury from money raised for county purposes, and all fees collected from the quarterly court which heretofore have been paid to the county judge in said counties shall be paid into the treasury of the county. Said collections shall be made by the clerk, who shall settle monthly with the county judge and pay the amount found by such settlement in his hands immediately into the county treasury.

Said clerk and deputies shall, before entering upon the discharge of their duties, execute bond before the county court, with security approved by the court, to the Commonwealth of Kentucky, for the faithful performance of their duties.

§ 2. All laws or parts of laws in conflict herewith are hereby repealed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	A. J. Baldridge	D. F. Brown
W. B. Ardery	T. H. Benton	Geo. A. Brown
Wm. J. Arvin	Shaler Berry	J. R. Buckman
W. O. Bach	W. P. Bowman	W. G. Buckner

S. J. Bunger	C. W. Hawkins	L. P. Murphy
C. B. Carver	H. M. Holbrook	Chas. N. McCarty
Lonnie Cooper	H. B. Holland	F. T. Nichols
J. D. Cox	Ira L. Horne	Caleb Page
J. S. Cruse	J. C. Hutcherson	Geo. W. Potter
J. L. Cushing	E. M. Johnson	W. H. Pryor
C. L. Daly	W. W. Johnson	R. R. Rogers
Mormon B. Daniel	Mrs. H. G. Jorris	Philip J. Ryan
E. J. Doss	W. O. Keller	Chas. L. Seale
James M. Durham	Thos. H. King	M. G. Slusher
D. E. Edwards	Leon P. Lewis	W. R. Smith
J. O. Evans	Joe Martin	Frank L. Strange
D. W. Fowler	A. M. Mercer	J. G. Swearengin
Otto C. Gartin	H. J. Meyers	Mac Swinford
R. E. Glenn	H. H. Miller	J. L. Valandingham
F. A. Gnau	T. R. Moore	Chiles Van Antwerp
Whitsett Hall	B. T. Morris	C. D. Vincent

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Resolved that the title thereof be as aforesaid.

Mr. Fowler moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Milliken moved that Miss Judith Isabel Drury be appointed Honorary Page of this House for the session.

Said motion was agreed to.

The hour of one-thirty o'clock P. M. having arrived, the House took up for consideration, from the Orders of the Day, the Special Order of the day, to wit:

H. B. 447. An Act to amend Sections 1 and 4 of the Acts of the General Assembly of 1914, relating to the office of stenographer for the county judge in certain counties, being

Sections 1061a-1 and 1061a-4, Carroll's Kentuckky Statutes, 1922 Edition.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 1 of Chapter 43 of the Acts of the General Assembly of 1914, which is now known as Section 1061a-1, Kentucky Statutes, Carroll's edition 1922, be amended by adding after the word "over," in the third line of said act, the words, "and in all counties containing a city of the third class," so that said section, when so amended shall read as follows:

"Section 1. That in all counties in this Commonwealth having a population of two hundred thousand or over, and in all counties containing a city of the third class, there is hereby created the office of stenographer to the County Judge; said stenographer shall be appointed by the County Judge for a term of four years, but may be removed at any time by said County Judge."

§ 2. That section 4 of said chapter of said Acts, which is now known as Section 1061a-4 Kentucky Statutes, Carroll's 1922 Edition, be amended by striking out the symbol and figures "$900.00" and adding in lieu thereof the symbol and figures "$1,200.00," so that said section, when so amended, shall read as follows:

"Section 4. The salary of said stenographer shall be fixed by the County Judge, not to exceed $1,200.00 per annum, payable out of the county levy in equal monthly installments."

Mr. Leon P. Lewis offered the following Amendment to said bill, viz.:

Amend H. B. 447 by changing the figures "$1200.00" in line 4, page 2 of the printed bill to "$1500.00".

Said amendment was agreed to.

Mr. Leon P. Lewis offered the following amendment to said bill, viz:

Amend H. B. 447 by changing the figures "$1200.00" to "$1500.00" in line 7, page 2 of the printed bill.

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	Fred H. Coots	H. M. Holbrook
W. B. Ardery	J. D. Cox	H. B. Holland
Wm. J. Arvin	J. S. Cruse	Ira L. Horne
W. O. Bach	W. J. Curtis	J. C. Hutcherson
A. J. Baldridge	J. L. Cushing	E. M. Johnson
J. H. Baughman	C. L. Daly	W. W. Johnson
L. D. Bax	Mormon B. Daniel	D. C. Jones
T. H. Benton	E. J. Doss	Mrs. H. G. Jorris
Shaler Berry	D. E. Edwards	W. O. Keller
W. P. Bowman	D. W. Fowler	J. R. Kelly
D. F. Brown	Otto C. Gartin	Thos. H. King
Geo. A. Brown	R. E. Glenn	Oscar Leibson
F. W. Bryant	F. A. Gnau	Joe Martin
J. R. Buckman	Whitsett Hall	Shelby Martin
W. G. Buckner	Lawrence Harmon	A. M. Mercer
S. J. Bunger	C. W. Hawkins	H. J. Meyers
C. B. Carver	J. M. Hayse	H. H. Miller

J. S. Milliken	Smith Park	E. J. Snyder
T. R. Moore	Geo. W. Potter	Frank L. Strange
B. T. Morris	W. H. Pryor	J. G. Swearengin
L. P. Murphy	Clint Raymer	Mac Swinford
Chas. N. McCarty	R. R. Rogers	J. L. Valandingham
W. J. McGill	C. W. Ryans	Chiles Van Antwerp
F. T. Nichols	Chas. L. Seale	C. D. Vincent
Caleb Page	M. G. Slusher	T. B. Watts

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Resolved that the title thereof be as aforesaid.

Mr. Strange moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the orders of the day, a bill entitled:

H. B. 78. An Act to amend and re-enact Section 1744, chapter 47, Kentucky Statutes, Carroll's Edition, 1922, which chapter is entitled "fees."

With a Committee Amendment thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 1744 of Chapter 47 Kentucky Statutes, Carroll's Edition, 1922, which chapter is entitled fees, be and the same is hereby amended and re-enacted, so that said section, when so amended and re-enacted, shall read as follows:

The fees of surveyors shall be as follows:

For surveying town lot and plat thereof $3.00

For each plat and connection Two dollars and for each tract represented on a connected plat over two 1.00

For receiving and receipting for land warrant ..... .50
For copy of certificate and survey 1.25
For making an entry for land and copy 1.00
For every survey made under order of court per day 7.00
For attending commissioners in dividing land or assigning dower per day 7.00
For every plat from notes taken on the ground or furnished by the party and calculating contents with certificate attached 3.00
For each additional plat laid down from field notes or from official documents with notes of explanation ..... .50
For each copy of such connected plat 2.00
For processioning land per day 7.00
For each connected plat thereof 2.00
For each day's attendance on viewers of a road or passway 7.00
For each connected plat of same, metes and bounds, courses and distances, with explanatory note and report 5.00

The surveyor shall have the right to, and may refuse to, deliver to any party, or file in court any plat or report of survey until his costs for making same have been paid.

Said Committee amendment is as follows, viz.:

1. Amend by striking out line 5 and substituting in lieu thereof the following words "for surveying town lot and plat thereof $3.00 each additional lot $1.00."

2. By striking out at the end of line 18 "$2.00" and substituting in lieu thereof "$1.00."

3. By striking out at the end of line 20, "$2.00" and substituting in lieu thereof "$1.00."

Said amendments, as offered by the committee, were each and severally agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provisions as to the third reading of said bill at length being dispensed with and the same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen
Wm. J. Arvin
W. O. Bach
A. J. Baldridge
L. D. Bax
T. H. Benton
Shaler Berry
C. H. Berryman
W. P. Bowman
D. F. Brown
Geo. A. Brown
F. W. Bryant
J. R. Buckman
W. G. Buckner
S. J. Bunger
W. A. Carson
C. B. Carver
Lonnie Cooper
Fred H. Coots
J. D. Cox
J. S. Cruse
W. J. Curtis
J. L. Cushing
C. L. Daly
Mormon B. Daniel
E. J. Doss
James M. Durham
D. E. Edwards
J. O. Evans
D. W. Fowler
R. E. Glenn
F. A. Gnau
Whitsett Hall
Lawrence Harmon
C. W. Hawkins
J. M. Hayse
H. M. Holbrook
H. B. Holland
Ira L. Horne
E. M. Johnson
W. W. Johnson
D. C. Jones
Mrs. H. G. Jorris
W. O. Keller
J. R. Kelly
Thos. H. King
Oscar Leibson
Leon P. Lewis
Joe Martin
Shelby Martin
A. M. Mercer
H. J. Meyers
J. S. Milliken
T. R. Moore
B. T. Morris
L. P. Murphy
Chas. N. McCarty
J. L. McDavid
W. J. McGill
F. T. Nichols
Smith Park
Jas. J. Peters
Geo. W. Potter
W. H. Pryor
R. R. Rogers
C. W. Ryans
Chas. L. Seale
W. R. Smith
E. J. Snyder
Frank L. Strange
J. G. Swearengin
Mac Swinford
J. L. Valandingham
Chiles Van Antwerp
C. D. Vincent
T. B. Watts

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Those who voted in the negative were—

J. C. Hutcherson Caleb Page Clint Raymer

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Resolved that the title thereof be as aforesaid.

Mr. Manning moved that the vote by which said bill was passed be reconsidered and that said motion lie upon the table.

Said last named motion was agreed to.

The hour of two o'clock P. M. having arrived, that being the hour for the Special Order of the Day, the House took up for consideration from the orders of the day, a bill entitled:

H. B. 164. An Act relating to the Judiciary of the State, dividing the State into three Judicial Divisions and assigning the Judicial Districts now existing, or which may hereafter be created, to one of these divisions; and providing for the rotation of Circuit Judges in holding the Courts in the several Judicial Districts embraced in the said divisions, and conferring upon the Chief Justice of the Court of Appeals of Kentucky the power to assign Circuit Judges to hold the regular or special terms of court in the various Judicial Districts of the State, and providing additional compensation for the Circuit Judges for the services required to be rendered by them and their expenses while actually engaged; and further providing for a Judicial Secretary to aid the Chief Justice in performing the duties required by him, and for other means by which the provisions of this act may be carried out.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The existing Judicial Districts as now constituted by law, or as may hereafter be changed by Act of the Gen-

eral Assembly, are assigned to the Judicial Divisions created by this Act. The State shall be divided into three Judicial Divisions, viz.: a Western, Central and Eastern Division.

The Western Division shall be composed of the First Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth and Twenty-ninth Judicial Districts as at present constituted or as may be hereafter changed by the General Assembly.

The Central Division shall be composed of the Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, Eighteenth, Nineteenth, Twentieth, Twenty-first, Twenty-fifth and the Thirty-second Judicial Districts as at present constituted, or as may be hereafter changed by the General Assembly.

The Eastern Division shall be composed of the Twenty-third, Twenty-fourth, Twenty-sixth, Twenty-seventh, Twenty-eighth, Thirty-first, Thirty-fourth, Thirty-fifth, Thirty-sixth, and Thirty-seventh Judicial Districts as at present constituted or as may be hereafter changed by the General Assembly.

The Circuit Judges of the several Judicial Districts shall be subject to assignment by the Chief Justice of the Court of Appeals to hold any regular or special term of Circuit Court in the division in which such district is located; and as nearly as can be done such assignments shall be made so as to require each Circuit Judge to complete the Circuit of the Judicial Division before holding Court the second time in any one district. To effect the purpose of this act it shall be the duty of the Chief Justice, with the aid of the Judicial Secretary hereafter provided, within 10 days after this act goes into effect to make out an assignment or riding for each Circuit Judge in the State (except Courts of continuous session which are not embraced in this act) designating the counties and Judicial Districts in which each of them shall hold Court for the remainder of the year. The order of such riding shall begin with the Court being held by each of said Judges when the act goes into effect, or the last Court held by him, and

shall be made out so as to require such Judge to complete the Circuit of all the counties embraced in his division before returning to hold Court in such County. It shall be the duty of the Chief Justice to make out a similar assignment or riding not later than January 5th, each succeeding year.

The Judges of the several Judicial Divisions shall be assigned and required to hold the Courts of the Judicial Districts successively according to the following order or system unless otherwise directed by the Chief Justice The Judge of the First Judicial District shall be assigned to first hold Court in the several counties of the Second Judicial District at the time and terms fixed by law and after holding Court in all of the counties of the Second District shall be assigned to the Third District and so on in consecutive order until he has completed the Circuit of the entire Judicial Division. A similar order of assignment shall be pursued in assigning the Judges of the other Judicial Districts of each division so that no Circuit Judge, except in special cases or cases of emergency, shall be assigned to hold Court successively in any county if it can be avoided. The purpose of the act is to require each Circuit Judge to rotate so as to serve the several counties in the Judicial Districts of the Division in which he is located, in consecutive order as nearly as may be practicable.

§ 3. The Judicial Districts as now established shall remain until changed by the General Assembly; and the jurisdiction of the Circuit Judges assigned to hold any Court in the State shall be the same as is now conferred by law upon the regular Circuit Judge of such District. Each and every duty required to be performed by the regular Circuit Judge of any District shall be performed by the Judge assigned to such District, and should any matter arise requiring the attention of a Circuit Judge out of term time such matter may be presented to the regular Judge of such district or should he be engaged in holding Court at any other place in the Judicial Division it may be addressed to the Circuit Judge who has been assigned to hold the next succeeding term of Court in

said County, or to the Circuit Judge residing nearest to the county in which such action or proceeding is pending, provided the first mentioned Judges should be engaged in holding Court at some other point in the division more than 40 miles from the county seat of the county where such matter or proceeding is pending.

§ 4. Circuit Judges of the State may be assigned by the Chief Justice to hold regular or special terms of Circuit Courts in counties outside of Judicial Division in which they are located, whenever, in the opinion of the Chief Justice, the proper administration of justice so requires. Whenever a Circuit Judge is sent out of his division to hold Court in another judicial Division the Chief Justice shall make request upon the Governor to issue a Commission to such Judge authorizing and empowering him to hold said special or regular term as the necessity may require. No commission other than the regular commission issued to the Circuit Judge upon his election to office, shall be required to authorize any Circuit Judge to hold any regular or special term of Circuit Court in the Judicial Division in which he is located.

§ 5. To enable the Chief Justice of the Court of Appeals to perform the duties required by this act he is hereby authorized to appoint a Judicial Secretary whose duty it shall be to keep a complete calendar showing the assignments of ridings of the several Circuit Judges in the State under this act. Said Commissioner shall be paid the sum of $1,800.00 per year payable monthly.

§ 6. The salaries of the several Circuit Judges of the State on and after the expiration of the term which they were elected, shall be $5,000.00 per annum, payable monthly, and their actual expenses while engaged in holding Court outside of the District for which they were elected. The Judges in office when this act shall go into effect shall receive for the additional services required by this act $750.00 per year, in addition to their present salary, and shall receive their actual

expenses while engaged in holding Court outside of the Judicial District in which they were elected.

§ 7. It shall be the duty of the Circuit Court Clerks of the several Judicial Districts to prepare and certify to the Chief Justice, ten days before the regular term of any Circuit Court, a list of all the common law, equity and criminal cases on their respective dockets, including cases which have been filed since the succeeding term; this list shall be made out in duplicate and it shall be the duty of the Judicial Secretary to furnish one of such lists to the Circuit Court whose duty it is under the riding to hold the court in such county at the next succeeding term.

§ 8. Full power and authority is hereby vested in the Chief Justice of the Court of Appeals to call a special term of a circuit court in any county of the State whenever it shall be made to appear that the docket in such district is in a congested condition, or where the ends of justice seem to require that a special term for the trial of civil cases or criminal cases should be held. The Chief Justice may assign any Circuit Judge in the state to preside over such special term and nothing herein contained shall prevent him assigning a Circuit Judge out of another Judicial Division or from calling one special term to succeed another until such docket is clear and the business of the court has been disposed of. In the event no Circuit Judge is available for such special term it is made the duty of the Chief Justice to nominate an attorney possessing all the qualifications of a Circuit Judge and request the Governor to commission such attorney as special judge for the holding of such special term. The attorney so appointed and commissioned shall receive for such services for the time so engaged $16.00 per day and his actual expenses.

§ 9. It is further made the duty of the Circuit Court of the State to wire the Judicial Secretary at Frankfort the day on which any regular or special term of court being held by them expires or has been concluded. Any Circuit Judge who

shall refuse to serve or to hold the terms of court fixed by the schedule or riding issued by the Chief Justice, unless prevented by sickness or other causes beyond his control or in cases in which he is disqualified from presiding, may be cited to appear before the Chief Justice or any Justice of the Court of Appeals, for contempt. It shall be the duty of the Attorney General to represent the Commonwealth in such contempt proceedings and if upon hearing it should be made to appear that the Circuit Judge so offending did not have reasonable or just cause for refusing to appear and to hold such term of court, he shall, for the first offense, forfeit one month's salary to the Commonwealth; and the second failure on his part to comply with such schedule or riding shall be cause for removal from office in the manner now provided by law.

§ 10. Nothing in this act contained shall be construed as applying to Circuit Courts of continuous session or to the judges thereof.

§ 11. All laws in conflict herewith are hereby expressly repealed.

§ 12. Whereas the docket of a great number of the Circuit Courts of the State are congested with business, and the litigants who have business in such courts are being greatly burdened by the expenses and costs incident to the delay in obtaining trials of the cases; and,

Whereas, the proper administration of justice, especially in criminal cases, requires that trials be had within a reasonable time after action is begun or an indictment is returned; and there is a general complaint among the people of the State of the law's delay both in civil and criminal matters, it would seem imperative that a speedy relief be provided to meet such conditions, for these reasons.

It is considered that an emergency exists, and it is hereby enacted and directed that the provisions of this act shall take effect immediately upon its approval by the Governor.

Mr. Jones offered the following amendment thereto by way of substitute therefor, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The existing judicial districts as now constituted by law, or as may hereafter be changed by Act of the General Assembly, are assigned to the judicial divisions created by this act. The state shall be divided into three judicial divisions, viz.: A western, central and eastern division.

The western division shall be composed of the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth and Twenty-ninth judicial districts as at present constituted or as may be hereafter changed by the General Assembly.

The central division shall be composed of the Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, Eighteenth, Nineteenth, Twentieth, Twenty-first, Twenty-fifth and Thirty-second judicial districts as at present constituted, or as may be hereafter changed by the General Assembly.

The eastern district shall be composed of the Twenty-third, Twenty-fourth, Twenty-sixth, Twenty-seventh, Twenty-eighth, Thirty-first, Thirty-fourth, Thirty-fifth and Thirty-sixth and Thirty-seventh judicial districts as at present constituted or as may be hereafter changed by the General Assembly.

§ 2. The circuit judges of the several judicial districts shall be subject to assignment by the Chief Justice of the Court of Appeals to hold any regular or special term of circuit court in the division in which such district is located; and as nearly as can be done such assignments shall be made so as to require each circuit judge to complete the circuit of the judicial division before holding court the second time in any one district. To effect the purpose of this act, it shall be the duty of the Chief Justice, within ten days after this act goes into effect, to make out an assignment or riding for each

circuit judge in the state (except courts of continuous session which are not embraced in this act) designating the counties and judicial districts in which each of them shall hold court for the remainder of the year. The order of such riding shall begin with the court being held by each of such judges when the act goes into effect, or the last court held by him, and shall be made out so as to require such judge to complete the circuit of all of the counties embraced in his division before returning to hold court in such county.

It shall be the duty of the Chief Justice to make out a similar assignment or riding not later than January 5th each succeeding year. The judges of the several judicial divisions shall be assigned and required to hold the courts of the judicial districts successively according to the following order or system unless otherwise directed by the Chief Justice. The judge of the first judicial district shall be assigned to hold court in the several counties of the second judicial district at the time and terms fixed by law and after holding court in all of the counties of the second judicial district shall be assigned to the third district and so on in consecutive order until he has completed the circuit of the entire judicial division. A similar judge, except in special cases or cases of emergency, shall be assigned to hold court successively in any county if it can be avoided. The purpose of the act is to require each circuit judge to rotate so as to serve the several counties in the judicial districts of the division in which he is located, in consecutive order as nearly as may be practicable.

§ 3. The judicial districts as now established shall remain until changed by the General Assembly; and the jurisdiction of the circuit judges assigned to hold any court in the state shall be the same as is now conferred by law upon the regular circuit judge of such district. Each and every duty required to be performed by the regular circuit judge of any district shall be performed by the judge assigned to such district to include signing bill of exceptions, and the performance of any judicial act required by the regular cir-

cuit judge, and should any matter arise requiring the attention of a circuit judge out of term time such matter may be presented to the regular judge of such district, or should he be engaged in holding court at any other place in the judicial division it may be addressed to the circuit judge who has been assigned to hold the next succeeding term of court in said county, or to the circuit judge residing, or holding court, nearest to the county in which such action or proceeding is pending, provided the first mentioned judges should be engaged in holding court at some other point in the division more than 40 miles from the county seat of the county where such matter or proceeding is pending.

§ 4. Circuit judges of the state may be assigned by the Chief Justice to hold regular or special terms of circuit courts in counties outside of the judicial division in which they are located whenever, in the opinion of the Chief Justice, the proper administration of justice so requires. No commission other than the regular commission issued to the circuit judge upon his election to office shall be required to authorize any circuit judge to hold any regular or special term of circuit court in any judicial division or district in the state.

§ 5. To enable the Chief Justice of the Court of Appeals to perform the duties required by this act he is hereby authorized to appoint a judicial secretary whose duty it shall be to keep a complete calendar showing the assignments or ridings of the several circuit judges in the state under this act. Said secretary shall be paid the sum of $1,800.00 per year payable monthly.

§ 6. The salaries of the several circuit judges of the state on and after the expiration of the term which they were elected, shall be $5,000.00 per annum, payable monthly, and their actual expenses while engaged in holding court outside of the district for which they were elected. The judges in office when this act shall go into effect shall receive for the additional services required by this act $800.00 per year, in addition to their present salary, and shall receive their actual

necessary expenses while engaged in holding court outside of the judicial district in which they were elected. However, the expenses of no judge shall exceed $5.00 per day, for meals and lodging, in addition to his necessary traveling expenses, in obeying assignments under the provisions of this act. It shall be the duty of all circuit judges to monthly certify to the Auditor of Public Accounts, an itemized statement setting out the different items of expense, and said expense account shall be paid by the Auditor monthly, by separate check.

§ 7. It shall be the duty of the circuit court clerks of the several judicial districts to prepare and certify to the Chief Justice, ten days before the regular term of any circuit court, a list of all the common law, equity and criminal cases on their respective dockets, including cases which have been filed since the succeeding term; this list shall be made out in duplicate and it shall be the duty of the judicial secretary to furnish one of such lists to the circuit judge whose duty it is under the riding to hold the court in such county at the next succeeding term.

§ 8. Full power and authority is hereby vested in the Chief Justice of the Court of Appeals to call a special term of the circuit court in any county of the state whenever it shall be made to appear that the docket in such district is in a congested condition, or where the ends of justice seem to require that a special term for the trial of civil cases or criminal cases should be held. The Chief Justice may assign any circuit judge in the state to preside over such special term, and nothing herein contained shall prevent him assigning a circuit judge out of one judicial division to hold a regular or special term of court in another judicial division, or from calling one special term to succeed another until such docket is clear and the business of the court has been disposed of. In the event no circuit judge is available for such special term it is made the duty of the Chief Justice to nominate an attorney possessing all the qualifications of a circuit judge and request the Governor to commission such attorney as special judge for

the holding of such special term. The attorney so appointed and commissioned shall receive for such services for the time so engaged $16.00 per day and his actual expenses.

§ 9. It is further made the duty of the circuit judges of the state to wire the judicial secretary at Frankfort, not less than two days before any regular or special term of court being held by them expires or will be concluded. Any circuit judge who shall refuse to serve or to hold the terms of court fixed by the schedule or riding issued by the Chief Justice, unless prevented by sickness or other causes beyond his control or in cases in which he is disqualified from presiding, may be cited to appear before the Chief Justice or any Justice of the Court of Appeals for contempt. It shall be the duty of the Attorney General to represent the Commonwealth in such contempt proceedings and if upon hearing it should be made to appear that the circuit judge so offending did not have reasonable or just cause for refusing to appear and to hold such term of court, he shall, for the first offense, forfeit one month's salary to the Commonwealth; and the second failure on his part to comply with such schedule or riding shall be cause for removal from office in the manner provided by law.

§ 10. That paragraph one of Section 965 of Article 2 of Chapter 35, Carroll's 1915 Edition of Kentucky Statutes, relating to circuit court terms, be, and the same is hereby amended, revised and re-enacted, so that the same when so amended, revised and re-enacted, shall read as follows:

The regular term of each court shall commence in each county, at the following named time, and continue, if the business require it, the number of days hereinafter prescribed. The Chief Justice of the Court of Appeals may, if in his opinion it is necessary in making workable and practicable, the rotating of circuit judges, shorten, lengthen or change the time for holding court in any of the judicial districts of the state.

§ 11. Nothing in this act contained shall be construed as applying to circuit courts of continuous session or to the judges thereof.

§ 12. All laws in conflict herewith are hereby expressly repealed.

§ 13. All expenses incurred by the Chief Justice and judicial secretary in carrying out the provisions of this act shall monthly be certified to the Auditor of Public Accounts and paid monthly as expenses of other departments of government are paid.

§ 14. If any section, provision, paragraph or clause of this act shall be declared unconstitutional, the invalidity of such section, provision, paragraph or clause shall not affect the remaining sections, provisions, paragraphs or clauses of this act; and it is declared to be the legislative intent to enact each clause, paragraph, provision and section of this act separately.

Mr. Pulliam offered the following amendment to said substitute, viz.:

Amend substitute for H. B. 164 by striking out of section 2 that part of line 4 after the word "located" and all of lines 5 and 6, and

By striking out of the same section that part of line 14 after the word "him" and all of lines 15 to 16 inclusive, and

By striking out the last word in line 18 and all of lines 19 to 33 inclusive, and substituting therefor the following: "The Chief Justice shall arrange the assignments of circuit judges to expedite the business of the courts and equalize the work among all circuit judges of the State. The Chief Justice may arrange the assignments in rotation and succession when the interests of the Commonwealth are, in his opinion, best served thereby. He may adopt such methods and cycles of

rotation as he considers most efficacious. He may change assignment at any time."

Mr. Keller moved that said amendment lie on the table.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Jones and Hayes were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	J. L. Cushing	Shelby Martin
W. B. Ardery	Mormon B. Daniel	A. M. Mercer
W. O. Bach	E. J. Doss	H. J. Meyers
A. J. Baldridge	D. E. Edwards	H. H. Miller
Geo. A. Brown	J. O. Evans	B. T. Morris
J. R. Buckman	R. E. Glenn	Caleb Page
W. G. Buckner	Whitsett Hall	Philip J. Ryan
S. J. Bunger	C. W. Hawkins	E. J. Snyder
W. A. Carson	H. B. Holland	Frank L. Strange
C. B. Carver	J. C. Hutcherson	J. G. Swearengin
Lonnie Cooper	W. W. Johnson	Mac Swinford
J. D. Cox	W. O. Keller	Chiles Van Antwerp
W. J. Curtis	Joe Martin	

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Those who voted in the negative were—

Wm. J. Arvin	C. L. Daly	Mrs. H. G. Jorris
L. D. Bax	James M. Durham	J. R. Kelly
T. H. Benton	D. W. Fowler	Thos. H. King
Shaler Berry	Otto C. Gartin	Oscar Leibson
C. H. Berryman	F. A. Gnau	Leon P. Lewis
W. P. Bowman	Lawrence Harmon	J. S. Milliken
D. F. Brown	J. M. Hayse	T. R. Moore
F. W. Bryant	H. M. Holbrook	Chas. N. McCarty
Fred H. Coots	Ira L. Horne	J. L. McDavid
J. S. Cruse	D. C. Jones	W. J. McGill

Smith Park	H. A. Pulliam	M. G. Slusher
Jas. J. Peters	Clint Raymer	W. R. Smith
Geo. W. Potter	R. R. Rogers	C. D. Vincent
W. H. Pryor	C. W. Ryans	T. B. Watts

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Said amendment was then disagreed to.

Mr. Ryan moved that said bill be tabled.

Said motion was disagreed to.

The amendment to said bill by way of substitute therefor as offered by Mr. Jones, was then disagreed to.

The yeas and nays being required thereon by Messrs. Jones and Smith were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	James M. Durham	H. A. Pulliam
Wm. J. Arvin	F. A. Gnau	Clint Raymer
J. H. Baughman	Lawrence Harmon	R. R. Rogers
L. D. Bax	Ira L. Horne	C. W. Ryans
T. H. Benton	D. C. Jones	M. G. Slusher
C. H. Berryman	Mrs. H. G. Jorris	W. R. Smith
W. P. Bowman	J. R. Kelly	E. J. Snyder
F. W. Bryant	Thos. H. King	C. D. Vincent
J. R. Buckman	J. L. Manning	T. B. Watts
J. S. Cruse	Chas. N. McCarty	
C. L. Daly	Smith Park	

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Those who voted in the negative were—

W. B. Ardery	W. G. Buckner	J. D. Cox
W. O. Bach	S. J. Bunger	W. J. Curtis
A. J. Baldridge	W. A. Carson	J. L. Cushing
Shaler Berry	C. B. Carver	Mormon B. Daniel
D. F. Brown	Lonnie Cooper	J. R. Dorman
Geo. A. Brown	Fred H. Coots	E. J. Doss

D. E. Edwards
J. O. Evans
D. W. Fowler
Otto C. Gartin
R. E. Glenn
Whitsett Hall
C. W. Hawkins
H. B. Holland
J. C. Hutcherson
W. W. Johnson
W. O. Keller
Oscar Leibson
Leon P. Lewis
Joe Martin
Shelby Martin
A. M. Mercer
H. J. Meyers
H. H. Miller
T. R. Moore
B. T. Morris
L. P. Murphy
J. L. McDavid
W. J. McGill
Caleb Page
Jas. J. Peters
Geo. W. Potter
W. H. Pryor
Philip J. Ryan
Frank L. Strange
Mac Swinford
Chiles Van Antwerp

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Mr. Ryan moved that said bill lie on the table.

Said motion was agreed to.

The yeas and nays being required thereon by Messrs. Coots and Swinford, were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen
W. B. Ardery
W. O. Bach
A. J. Baldridge
Shaler Berry
D. F. Brown
Geo. A. Brown
J. R. Buckman
W. G. Buckner
S. J. Bunger
W. A. Carson
C. B. Carver
Lonnie Cooper
Fred H. Coots
J. D. Cox
W. J. Curtis
J. L. Cushing
Mormon B. Daniel
J. R. Dorman
E. J. Doss
D. E. Edwards
J. O. Evans
D. W. Fowler
R. E. Glenn
F. A. Gnau
Whitsett Hall
C. W. Hawkins
H. B. Holland
J. C. Hutcherson
W. W. Johnson
W. O. Keller
Oscar Leibson
Leon P. Lewis
Joe Martin
Shelby Martin
A. M. Mercer
H. J. Meyers
H. H. Miller
T. R. Moore
B. T. Morris
L. P. Murphy
W. J. McGill
Caleb Page
Jas. J. Peters
Geo. W. Potter
W. H. Pryor
Philip J. Ryan
Chas. L. Seale
Frank L. Strange
J. G. Swearengin
Mac Swinford
Chiles Van Antwerp
C. D. Vincent

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Those who voted in the negative were—

J. H. Baughman	Ira L. Horne	H. A. Pulliam
C. H. Berryman	D. C. Jones	Clint Raymer
J. S. Cruse	Mrs. H. G. Jorris	R. R. Rogers
C. L. Daly	J. R. Kelly	C. W. Ryans
James M. Durham	Thos. H. King	M. G. Slusher
Otto C. Gartin	J. L. Manning	W. R. Smith
Lawrence Harmon	Chas. N. McCarty	E. J. Snyder
J. M. Hayse	J. L. McDavid	T. B. Watts

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The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 297. An Act to amend and re-enact Section 1376b-2, Kentucky Statutes, Carroll's Edition, 1922, relating to agricultural seeds.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 1376b-2, Kentucky Statutes, Carroll's Edition 1922, be amended by adding after the line "a. The name of seeds," the words "a-1. The age of seeds," so that said section when amended and re-enacted shall read as follows: Every lot of agricultural seeds as defined in section 1376b-1 of this act, which is offered or exposed for sale within this state in lots of one pound or more shall be accompanied by a plaily written or printed statement in the English language stating:

a. The name of seeds.

a-1. The age of seeds.

b. The name and address of the person or persons offering the seeds for sale.

c. The approximate percentage by weight of purity or freedom from foreign matter or, from other seeds.

d. The approximate percentage by weight of the different species of foreign seeds, when sold as mixtures so labeled.

e. The approximate percentage of germination as shown by laboratory tests.

Ordered that said bill be read the third time.

The Constitutional provisions as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only, and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen
W. O. Bach
J. H. Baughman
C. H. Berryman
D. F. Brown
Geo. A. Brown
F. W. Bryant
J. R. Buckman
W. G. Buckner
S. J. Bunger
W. A. Carson
C. B. Carver
Lonnie Cooper
Fred H. Coots
J. D. Cox
W. J. Curtis
J. L. Cushing
Mormon B. Daniel
E. J. Doss
D. E. Edwards
J. O. Evans
Otto C. Gartin
R. E. Glenn
F. A. Gnau
Whitsett Hall
Lawrence Harmon
C. W. Hawkins
J. M. Hayse
H. M. Holbrook
H. B. Holland
W. W. Johnson
D. C. Jones
Mrs. H. G. Jorris
J. R. Kelly
Thos. H. King
Leon P. Lewis
J. L. Manning
Joe Martin
A. M. Mercer
H. J. Meyers
H. H. Miller
B. T. Morris
Chas. N. McCarty
J. L. McDavid
W. J. McGill
F. T. Nichols
Caleb Page
Smith Park
Geo. W. Potter
W. H. Pryor
Philip J. Ryan
C. W. Ryans
Chas. L. Seale
M. G. Slusher
W. R. Smith
E. J. Snyder
Frank L. Strange
J. G. Swearengin
Mac Swinford
Chiles Van Antwerp
C. D. Vincent

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Resolved that the title thereof be as aforesaid.

Mr. Snyder moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

By unanimous consent Mr. Bax of the Committee on Railroads to which same had been referred, reported a bill of the following title, viz.:

H. B. 533. An Act to repeal Section 201e-8 Kentucky Statutes, Carroll's Sixth Edition, 1922, relating to free passes.

With the expression of opinion that said bill ought to pass.

Said bill was read at length the first time and ordered to be placed on the Calendar

Mr. Page moved that the House do now adjourn.

Said motion was agreed to.

And then the House adojurned.

WEDNESDAY, FEBRUARY 24, 1926.

The House was opened with prayer by the Reverend Chesterfield Turner of the First Baptist Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

Lewis Allen	W. O. Bach	Shaler Berry
W. B. Ardery	L. D. Bax	C. H. Berryman
Wm. J. Arvin	T. H. Benton	W. P. Bowman

D. F. Brown
Geo. A. Brown
F. W. Bryant
J. R. Buckman
W. G. Buckner
S. J. Bunger
W. A. Carson
C. B. Carver
Lonnie Cooper
Fred H. Coots
J. D. Cox
J. S. Cruse
W. J. Curtis
J. L. Cushing
C. L. Daly
Mormon B. Daniel
J. R. Dorman
E. J. Doss
James M. Durham
D. E. Edwards
J. O. Evans
D. W. Fowler
F. A. Gnau
Whitsett Hall
Lawrence Harmon
J. F. Harrison
C. W. Hawkins
J. M. Hayse
H. M. Holbrook
H. B. Holland
S. K. Holland
Ira L. Horne
J. C. Hutcherson
E. M. Johnson
Grover C. Johnson
W. W. Johnson
D. C. Jones
Mrs. H. G. Jorris
W. O. Keller
J. R. Kelly
Thos. H. King
W. W. Leslie
Leon P. Lewis
J. L. Manning
Joe Martin
Shelby Martin
A. M. Mercer
H. J. Meyers
H. H. Miller
J. S. Milliken
T. R. Moore
R. T. Morris
L. P. Murphy
Chas. N. McCarty
J. L. McDavid
W. J. McGill
F. T. Nichols
Caleb Page
Smith Park
J. J. Patterson
Jas. J. Peters
Geo. W. Potter
W. H. Pryor
H. A. Pulliam
Clint Raymer
R. R. Rogers
Philip J. Ryan
C. W. Ryans
Chas. L. Seale
M. G. Slusher
W. R. Smith
E. J. Snyder
Frank L. Strange
J. G. Swearengin
Mac Swinford
J. L. Valandingham
Chiles Van Antwerp
C. D. Vincent
W. S. Wallen
T. B. Watts

The reading of the Journal of yesterday's proceedings was dispensed with.

A message was received from the Senate announcing that they had passed a resolution of the following title, viz.:

S. Res. 24. A resolution requesting the General Assembly of Kentucky to recognize and acclaim Mary Towles Sasseen as the originator of the idea of Mothers' Day.

Said Resolution was referred to the Committee on Rules.

Mr. Daniel offered the following resolution, viz.:

Whereas, it will become necessary for the Commonwealth of Kentucky to elect a United States Senator to our National Congress, and,

Whereas, A vast majority of the people of Kentucky are desirous of being represented in the upper House of Congress by a citizen of the State of Kentucky, who more fully understands the needs of the State of Kentucky, and,

Whereas, the State of Kentucky is now represented in the United States Senate, by a citizen of the State of Ohio as its Senior Senator, and by a citizen of the State of Rhode Island as its Junior Senator, and,

Whereas, The people of the State of Kentucky desire to elect to the United States Senate Kentuckians as it has in former years, men of the calibre of Ollie M. James, J. C. W. Beckham, and A. O. Stanley, rather than to continue to elect United Senate Senators from the country at large.

Now therefore be it resolved:

That this House hereby extend an invitation to the Hon. Alben W. Barkley, of Paducah, Kentucky, who has so ably represented the interest of our State in the National Congress and whose policies reflect the sentiments of a vast majority of the people of Kentucky, to appear before and address this body.

Mr. Hayse moved that said resolution lie on the table.

Said motion was disagreed to.

Mr. Pulliam offered the following amendment to said resolution, viz.:

Amend said resolution by striking out of said resolution beginning in line 7 after the word "Kentucky" including lines 8, 9, 10 and the first two words in line 11.

Said amendment was agreed to.

Mr. Meyers offered the following amendment to said resolution, by way of Substitute therefor, viz.:

Be it resolved by the House of Representatives, That the Hon. Alvin W. Barkley be invited to address this body.

Said amendment thereto by way of substitute therefor was agreed to.

Mr. Strange moved that the rules be suspended and that when the House has completed the consideration of the Special Order of the Day, they revert to the consideration of the business of the House in its regular order.

Said motion was agreed to.

The hour of eleven o'clock having arrived, that being the hour for the Special Order of the Day, the House took up for consideration from the Orders of the Day, said Special Order, to-wit:

H. B. 190. An Act to repeal, amend and re-enact Chapter 81 of the Acts of the General Assembly of 1924 entitled: "An Act providing for additional supervision and regulation of the transportation of persons for compensation over public highways by motor propelled vehicles; defining automobile transportation companies; providing for additional supervision and regulation thereof by the State Highway Commission or its successors; providing for the assessment and collection of fees and taxes thereon and providing for the enforcement of the provisions of this Act and punishment for violation thereof." Providing for appointment, qualification, term of office and compensation of Motor Transportation Commissioner and his assistants; providing for the supervision and regulation of motor transportation of persons for

hire over the public highways of Kentucky; providing for additional revenue for the enforcement of the provisions of this Act; punishment and violation thereof; for the examination and qualification of drivers of motor vehicles over the highways; fixing a fee for said drivers; providing for the regulation of fares, schedules, routes or motor vehicles; for procedure in the enforcement of the Act; appeals from the decisions of the Commissioner and for penalties for the violations of the Act.

With a Committee Amendment thereto by way of substitute therefor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Chapter 81 of the Acts of 1924 entitled "An Act providing for additional supervision and regulation of the transportation of persons for compensation over public highways by motor propelled vehicles; defining automobile transportation companies; providing for additional supervision and regulation thereof by the State Highway Commission or its successors; providing for the assessment and collection of fees and taxes thereon and providing for the enforcement of the provisions of this act and punishment for violations thereof by repealing, amending and re-enacting so that said act as amended and re-enacted shall read as follows:

§ 1. That the term "corporation," or term "person," or the term "company" when used in this act means any corporation, company, association or joint stock company, individual, firm or a co-partnership. The term "commissioner" when used in this act means Motor Transportation Commissioner. The term "motor transportation company" when used in this act means every corporation, person, firm, association of persons, their lessees, receivers, or trustees, however

appointed, owning, controlling, operating or managing any motor vehicle not usually operated on or over rails, used in the business of transportation of persons for hire over the public highways in this state, provided that the term "motor transportation company," when used in this act shall not apply to school busses when not used for hire or busses used exclusively for funeral purposes.

§ 1a. The term "public highway" when used in this act means every street, road or highway in this state, whether within or without the corporate limits of any municipality.

§ 1b. The term "between fixed termini or over a regular route" when used in this act means the termini or route over which any motor transportation company usually or ordinarily operates any motor vehicle, even though there may be departures from said termini or route, whether such departure be periodic or irregular.

§ 1c. The term "motor vehicles" as used herein shall mean any motor propelled vehicle not usually operated over or on rails or any motor vehicle operated for transportation of persons by any motor transportation company.

§ 2. No corporation or persons, their lessees or receivers or trustees, however appointed, shall operate any motor propelled vehicle for the transportation of persons for compensation on any public highway in this state except in accordance with the provisions of this act.

§ 3. The commissioner shall have the power to issue to any applicant a certificate of convenience or to refuse to issue the same, or to issue it for the partial exercise only of the privileges sought and may attach to the exercise of the rights given by such certificate such terms and conditions as in his judgment the public convenience and necessity may require. No such certificate of convenience shall be issued by the commissioner until it shall be established to the satisfaction of the commissioner after a proper investigation that the privilege so sought by the applicant is necessary or convenient

for the public and that the service so proposed to be rendered by the applicant is not being adequately performed at the time of such application by any other person or persons, partnership or corporation.

§ 4. It shall be the duty of the commissioner to refuse any application for a permit over a route where there has already been two or more lines established unless it can be shown to the satisfaction of the commissioner that said operation is not sufficient to take care of the traveling public and the persons holding said certificates refuse to put on sufficient service to take care of said traveling public.

§ 5. Any person, firm or corporation, holding a certificate to operate a bus line over any public highway in the state between fixed termini or over a regular route who abandons or fails to operate under said certificate on said line for a period of over sixty days, said certificate shall become null and void.

§ 6. All applications filed by any person, firm or corporation not granted or acted on by the commissioner within sixty days from date same was filed becomes null and void.

§ 7. All certificates granted under the provisions of this act shall be renewable annually upon the person holding said certificate complying with all rules and regulations and laws governing such motor transportation companies and by paying all fees required by law, all renewals to be as of January 1st, of each year. And any holder of a permit granted by the State Highway Commission and in force at the time this act goes into effect, may surrender said certificate within thirty days from such time and obtain a new certificate under this act from the commissioner, upon complying with the provisions of the act, and when same is issued it shall then be renewable as above provided. In the payment of fees for the new certificate the holders of the surrendered certificate shall be given credit for the unearned portion of the fees paid for the old certificate.

§ 8. It shall be unlawful for any person or firm to operate an automobile or a bus for transportation of passengers without the driver having a certificate from the commissioner, and wearing a badge issued by the commissioner showing that said driver has taken examination and passed with a satisfactory grade the following: driving ability, intelligence, experience, habits and holding a doctor's certificate.

§ 9. If a certificate of convenience be granted for the service over a regular route or between fixed termini the commissioner shall prescribe the route, territory, schedule, fare or tariff in connection with said service and in all cases may make such other rules, regulations relative to the operation of such vehicle or vehicles as public justice may demand, and may require the filing of any other data affecting the relationship between the motor transportation company, the commissioner and traveling public.

§ 10. When such certificate of convenience is issued for service over a regular route or between fixed termini no change shall be made in the route, schedule, fares or tariffs of such vehicles without the express permission of the said commissioner. The procedure in change of route shall be the same as hereinafter provided for an application for the issual of a new certificate.

§ 11. The owner or operator under certificate of convenience shall make such reports and furnish such detailed information with respect to their service rendered as the commissioner from time to time shall direct.

§ 12. Any certificate held, owned or obtained by any person may be sold, assigned, leased or transferred, or inherited as other property only upon the approval of the commissioner. If the commissioner refuses to approve of the transfer of any certificate he must give his reason in writing therefor and same shall be kept of record, from which ruling appeal can be taken as hereinafter provided.

§ 13. The commissioner shall have the power and authority by general order or otherwise, to prescribe rules

and regulations in conformity with this act applicable to any and all such transportation companies and within such limits shall have power and authority to make orders and to prescribe rules and regulations affecting such companies. The commissioner may at any time by his order duly entered, after hearing had upon ten days' notice to the holder of any such certificate hereunder and the reasonable opportunity to such holder to be heard, if it shall appear that such holder without good cause, has violated or refused to observe any of the orders, rules or regulations of the commissioner, suspend, revoke, alter or amend any certificate issued under the provisions of this act, but the holder of said certificate shall have all the rights of rehearing and review and appeal from such order of the commissioner as hereinafter provided in this act.

§ 14. Any person desiring a certificate under this act shall file an application therefor in such form as the commissioner may prescribe, and shall notify any person holding a certificate over said route or any part thereof or any parallel route between the same termini, of the fact that said applicant has filed such application. All such certificate holders shall have the right to protest any such application and shall be a party in interest in all proceedings relating thereto. Upon receiving said application, the commissioner shall notify the holders of such certificates that such application has been made and the date of the hearing. Such notice shall be by special delivery letter. The applicant or any person holding a certificate over said route shall have the right to take proof by depositions as provided in civil equity cases upon reasonable notice to the commissioner and to the holders of any certificate operating over said route or any part thereof, or on any parallel route, applied for.

§ 15. The commissioner then shall pass upon said application, and either grant or refuse the same. Upon granting or refusing he shall make a written statement of the finding of facts, rulings of law, and other matters pertinent to the

question at issue, which shall be filed with the records of the proceedings and a copy shall be immediately sent to the parties in dispute.

§ 16. In all matters in which the commissioner has power and authority under this act, he may hear applications and complaints, issue subpoenas and compel the attendance of witnesses and require persons to testify under oath; administer oaths; issue precesses, orders, opinions and decisions, but from which decisions of the commissioner an appeal may be taken to the circuit court of Franklin County, and an appeal may be taken from said circuit court to the Court of Appeals.

§ 17. When any application has been refused the applicant shall have the right to appeal, or if the applicant is granted the certificate, the holder or holders of certificates over said routes, or any part thereof, or any parallel route, shall have the right to appeal from such ruling as hereinafter provided. In case of an appeal by either party they shall within twenty days after the rendition of such order, file a petition of appeal with the clerk of the circuit court of Franklin County. Such petition shall state fully the grounds upon which a review is sought, assign all errors relied on and shall be certified by the petitioner, who shall furnish copies of the petition to any interested persons appearing at the hearing before the commissioner. Summons shall issue upon the petition, directing the adverse party or parties to file answer within fifteen days after service thereof, and directing the commissioner to certify his complete record of the case to the court; or, in lieu thereof, and if consented to by the petitioner or adverse party, an abstract of the record may be prepared.

§ 18. No new or additional evidence may be introduced in the circuit court except as to fraud or misconduct of some person engaged in the administration of this act and affecting the order, ruling or award, but the court shall otherwise hear the case upon the record or abstract thereof as certified by the commissioner, and shall dispose of the case in sum-

mary manner, its review being limited to determining whether or not:

1. The commissioner acted without or in excess of his power.

2. The order, decision or award was procured by fraud.

3. The order, decision or award is not in conformity to the provisions of the act.

4. In the finding of facts in issue whether such findings of facts are supported by the evidence.

The commissioner and each party shall have the right to appear in such review proceedings. The court shall enter judgment, confirming, modifying or setting aside the order, decision or award, in its discretion or remanding the case to the commissioner for proceedings in conformity with the directions of the court. The court may, in advance of judgment and upon a sufficient showing of facts, remand the cause to the commissioner. Either party may appeal from the decision of the circuit court to the Court of Appeals. Appeals from these cases may be taken from said circuit court to the Court of Appeals. Such appeals to the Court of Appeals shall have precedence of other cases pending.

§ 19. Neither this act nor any provisions thereof shall apply or be construed to apply to commerce with foreign nations or commerce among several states of this union or business conducted for the United States government, except insofar as the same may be permitted under the Constitution of the United States and the Acts of Congress.

§ 20. Every person, firm or corporation procuring a certificate hereunder shall, at the time of the application for such certificate to operate and annually on the first day of January under oath of the person constituting such company, if a person, or under the oath of the president, secretary, treasurer, superintendent or manager of such association or corporation, make and file with the commissioner a statement in such form as the commissioner may prescribe. One, stating the name of

the company. Two, the nature of the company, whether a person or persons, association or corporation, and under the laws of what state organized. Three, the location of its principal office. Four, the name and post office address of the president, secretary, auditor, treasurer, superintendent or manager. Five, the name and postoffice address of the chief officer or managing agent of the company in this state. Six, the location of its termini between which it transacts its motor transportation business, and the complete route over which the aplicant operates or desires to operate. Seven, the number and seating capacity and gross weight of each motor propelled vehicle owner and used by such company for the transportation of persons. Eight, the kind of motor vehicles to be used by such company. Nine, the schedule upon which motor vehicles are operated. Ten, the schedule showing the passenger rate to be charged between the several points. Eleven, a list of their assets and liabilities and statement shall be filed at the time the application is made and annually on the first day of January each year thereafter.

§ 21. Except as otherwise expressly provided, it shall be unlawful for any person or motor transportation company as defined in this act, to operate in this state on any route, other than the route provided for in the certificate granted by the commissioner, or to fail or refuse to operate on the whole of the route, in the manner and at the time specified in the certificate; except in case of emergency due to the act of God or unavoidable accident or casualty the route becoming impassible, or in case it becomes necessary to make temporary detours; and it shall be unlawful for any such person or transportation company to neglect or refuse to comply with and obey any and all regulations and orders of the commissioner and other statutory laws and regulations of the State of Kentucky governing and applying to such motor vehicles, provided, however, that nothing in this act shall prohibit a motor transportation company not operating between fixed termini

or over a regular route, from making casual trips over routes established hereunder.

§ 21a. "Casual trips" as used in this act and section means that any person, firm or corporation not operating under a certificate between a fixed termini or over a regular route may operate over any route between fixed termini where person or persons hold a certificate or certificates, provided that on said casual trips no one shall be allowed to pick up any passenger along the route, nor be permitted on the return trip to haul any person or persons other than those included in the original trip .

§ 22. No motor vehicle engaged in transportation of persons for hire shall be permitted by its operator to carry a greater number of passengers, than twenty-five per cent over its seating capacity, or the number specified in the certificate issued by the commissioner. No passenger shall be permitted to ride upon the steps or the running board of any motor vehicle engaged in the public transportation of passengers for hire, nor upon the top of any motor vehicle engaged in the public transportation of passengers, unless such top has provided with seats and protecting railings, and authorized been designed and constructed for such use, and is properly provided with seats and protecting railings, and authorized by certificate issued by the commissioner.

§ 23. Immediate notice, in writing, shall be given to the commissioner of all accidents, which shall result in the loss of life or when the injury is of a serious nature.

§ 24. It shall be unlawful for any person or persons, association or corporation, engaged in the operation of a line of motor transportation of persons for hire under the provisions of this act, operating between fixed termini and over a regular route, to withdraw any of the same from public service permanently without having first given the commissioner at least ten days' notice in writing of his, their, or its intention to do so.

§ 25 Each and every owner or operator of a motor vehicle under this act shall have displayed at all times on each side of such vehicles, the name of the owner, and office address, the number of the vehicle, which number shall correspond to the number on his metal tag furnished by the commissioner, the place of its starting terminal, and the name of the driver shall also be posted in a conspicuous place in said vehicle.

§ 26. The commissioner and his representatives are authorized at any and all times and places to make inspection under the provisions of this act and will be provided with appropriate badges for identification. They shall have the right to enter into and upon any motor vehicles to which this act is applicable for the purpose of ascertaining whether or not the provisions of this act, the rules or regulations of the commissioner, or any of them, have been violated. Wilful refusal of the operator of any such motor vehicle to stop the same when ordered to do so by any representative of the commissioner, or to permit such representative to enter into or upon the same for the purpose aforesaid, shall be sufficient ground for the revocation or suspension of such certificate.

§ 27. Each and every person or motor transportation company now or hereafter operating a line or lines of passenger transportation by means of motor vehicles, shall pay the following fees, to-wit:

For each and every motor vehicle carrying passengers for hire over any public highway of this state and not operating between fixed termini or over a regular route, capable of carrying five passengers or less, $2.50 for each passenger seat of space.

For each and every motor vehicle capable of carrying more than five passengers operating over any public highway of this state not between fixed termini or over a regular route $5.00 for each passenger seat or space.

For each and every motor vehicle operating over any public highway of this state between fixed termini or over a

regular route, capable of carrying five passengers or less, $5.00 for each passenger seat or space and $1.0 for each one hundred pound gross weight of said motor vehicle.

For each and every motor vehicle operating over any public highway of this state between fixed termini or over a regular route capable of carrying six passengers up to and including twenty passengers $10.00 for each passenger seat or space and $1.00 for each one hundred pound gross weight of the motor vehicle.

For each and every motor vehicle operating over any public highway in this state between fixed termini or over a regular route, capable of carrying more than twenty passengers, $15.00 for each passenger seat or space and $1.00 for each one hundred pound gross weight of the motor vehicle, provided, however, that no motor transportation company shall operate any type vehicle between fixed termini or over a regular route with a seating capacity of more than thirty passengers.

§ 27a. No person, firm or corporation operating motor vehicles for the transportation of persons for hire within corporate limits of any city or town where the highway is not maintained in whole or in part by the state, county or federal government, shall be construed as operating between fixed termini or over a regular route and shall not be exempt from paying any state or local license fees.

§ 27b. For the purpose of determining the gross weight under this act and section, all persons, firms, or corporations, shall file with their application for a certificate an affidavit setting forth the gross weight of the motor vehicle or vehicles to be used over said route.

§ 28. On a motor transportation company operating between fixed termini or over a regular route complying with the provisions of this act and paying all of the above fees, all local and state license fees now in force shall cease to be operative as to them and shall also be in lieu of fee now paid to the county clerk for license plates, except the municipalities

and other local subdivision may make reasonable local police and traffic regulations subject to any and all state traffic regulations within their boundary, not inconsistent with the provisions of this act.

§ 29. On a motor transportation company complying with the provisions of this act, and paying above fees the commissioner shall issue metal plates, which plates shall be in such form or forms as prescribed by the commissioner, and the holder thereof, shall be required to fasten such plates upon the front end and rear end of each motor vehicle used under this act in the transportation of persons for hire. Such plates to be provided by the commissioner or some person under his direction, and shall be of proper and practicable form and size and shall contain such lettering as the commissioner may deem necessary and proper, practical and sufficient for the intended purpose.

§ 30. After the payment of all expenses incident to the enforcement of this act all funds collected under the provision of this act shall be credited to a fund designated for the repair and maintenance of roads in this state. If any person or motor transportation company refuses or fails to pay the fees assessed hereunder to them within thirty days from the date when same is due and payable, the commissioner shall add a penalty of twenty percent and certify a list of such delinquent companies to the Attorney General, and he shall force payment of same.

§ 31. Such taxes and penalties thereon shall be recovered by an action in the name of the state, which may be brought in the circuit court of Franklin County. The Attorney General, on request of the commissioner, shall institute such action and in any such action it shall be sufficient to allege that the tax or penalty sought to be recovered stands charged on the delinquent list of the treasurer of the state, and the same has been unpaid for a period of thirty days after having been placed thereon.

§ 32. No person shall be permitted to drive any automobile or motor bus for the transportation of persons for hire, as provided under this act, until said person has been granted a certificate by the commissioner. Any person desiring to drive an automobile or a motor bus for hire shall file with the commissioner his application and shall pay to said commissioner a fee of twelve dollars and fifty cents ($12.50) annually. Said application shall contain the name of the applicant, the experience he has had in the operation of motor vehicles, a certificate from some reputable physician as to his eyesight, and condition of health and habits. Before the said applicant is granted a certificate, he shall be required to take such tests or examinations as the commissioner may require. The said application, if granted, shall be subject to cancellation upon due notice to the holder thereof for ten days before the hearing and said certificate shall be cancelled if said applicant violates any of the rules and regulations prescribed by the commissioner. No certificate shall be issued to any person under twenty-one (21) years of age. If any certificate shall be cancelled the holder thereof shall return badge issued to him by the commissioner to said commissioner.

§ 33. All drivers of motor vehicles transporting persons for hire over any public highway in this state between fixed tremini or over a regular route, are required to stop each and every motor vehicle before crossing over any steam or electric interurban railroad track at a grade, stop to be made not less than ten feet nor more than thirty feet from the nearest rail of the railroad over which the highway crosses, except where such crossing is a guarded crossing protected by gates or a flag controlled or operated by an employee of such railroad. After making the stop herein required, the driver or operator of the motor vehicle shall carefully look in each direction for approaching cars or trains and shall not start his vehicle until it is ascertained that no cars or trains are approaching in either direction.

§ 34. The commissioner shall issue certificates over his signature, attested by the seal of the Commonwealth of Kentucky. The said commissioner shall keep a numerical record of all certificates issued under the provisions of this act.

§ 35. The said commissioner shall furnish a metal badge for each licensed driver of such motor vehicles which badge shall be worn by said driver at all times when on duty.

§ 36. For the purpose of carrying out the provisions of this act, the Governor is hereby authorized to appoint a person to be known as Motor Transportation Commissioner, who shall be at least thirty-two years of age, a resident of Kentucky for four years before his appointment. He shall be appointed for a term of four years, unless sooner removed by the Governor. The said Commissioner shall have the right, subject to the approval by the Governor, to appoint certain assistants as are necessary for the enforcement of this act. The commissioner shall be paid a salary of not less than $3,600.00, nor more than $4,500.00 per annum, payable monthly. Said annual salary to be determined by the Governor. The salary of the assistant to be fixed by the commissioner subject to the approval of the Governor. The number of assistants shall not exceed three and their salary shall not exceed $2,400.00 each, per annum, said salary to be paid monthly.

§ 37. It is further provided that all transportation companies operating motor transportation of persons for hire between fixed termini over a regular route shall furnish to the commissioner and his assistants free transportation over their respective lines at all times.

§ 38. All fees payable under this act shall be due and paid on the first day of January of each year, except that where any certificate is granted after the first of January, the holder thereof shall be required at the time same is granted to pay the proportionate part of the fees due for the remainder of the year.

§ 39. Each and every officer, agent or employee or any person, firm or corporation, or such person, firm or corpora-

tion, violating any of the provisions of this act, or failing to comply with any of the provisions of this act, or any section or subsection thereof, shall be deemed guilty of a misdemeanor and upon conviction shall be subject to a fine of not less than ten dollars ($10.00), nor more than one thousand dollars ($1,000.00) for each offense, and if such violation exists over a period of time, each day shall be considered a separate offense.

§ 40. The provisions of this Act are severable, and if any of its provisions, or the penalties provided therein, shall be held unconstitutional, the decisions of the courts shall not affect or impair any of the remaining provisions of this Act. It is hereby declared as a legislative intent that this Act would have been adopted had such unconstitutional provisions or penalties not been included therein.

§ 41. Chapter 81 of the Acts of the General Assembly of 1924 is hereby repealed and this Act shall embrace all of the law upon the subject of the regulation, supervision and administration of motor transportation in this Commonwealth for compensation.

§ 42. All acts or parts of acts in conflict herewith are, to the extent of such conflict, hereby repealed.

§ 43. An emergency is hereby declared to exist and this Act shall become effective upon its passage and aproval by the Governor.

Said amendment by way of substitute is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Chapter 81 of the Acts of 1924 entitled "An Act providing for additional supervision and regulation of the transportation of persons for compensation over public highways by motor propelled vehicles; defining automobile transportation company; providing for additional supervision and regulation thereof by the State Highway Commission or its

successors; providing for the assessment and collection of fees and taxes thereon and providing for the enforcement of the provisions of this act and punishment for violation thereof" be repealed, amended and re-enacted so that said act as amended and re-enacted shall read as follows, to-wit:

§ 1. That the term "corporation," or term "person" or term "firm" when used in this act means any corporation, receiver, company, association, assignee, trustee, joint stock company, individual or copartnership. The term "commissioner" when used in this act means Commissioner of Motor Transportation. The term "motor transportation company" when used in this act means every corporation, person, firm, associatin of persons, their lessees, assigns, receivers, or trustees, however appointed, owning, controlling, operating or managing any motor vehicle not usually operated on or over rails, used in the business of transportation of persons for hire over the public highways of this state, provided that the term "motor transportation company," when used in this act shall not apply to school busses when not used for hire or busses used exclusively for funeral purposes. The term "certificate" means a certificate of public convenience and necessity authorized to be issued under the provisions of this act. The term "U-drive-it" means a motor vehicle let out for hire, but for which no driver is furnished.

§ 1a. The term "public highway" when used in this act means every street, road or highway in this state, whether within or without the corporate limits of any municipality.

§ 1b. The term "between fixed termini or over a regular route" when used in this act, means the termini or route, respectively, between or over which any motor transportation company usually or ordinarily operates any motor vehicle, even though there may be periodical or irregular departures from said termini or route, provided said termini or route is not wholly within the limits of a single incorporated muncipality.

§ 1c. The term "motor vehicles" as used herein shall mean any motor propelled vehicle not usually operated over or on rails or any motor vehicle operated for transportation of persons by any motor transportation company.

§ 2. No corporation, firm or person, their lessees, or receivers, or assigns, or trustees, however appointed, shall operate any motor propelled vehicle for the transportation of persons for compensation on any public highway in this state except in accordance with the provisions of this act.

§ 3. No corporation, person or firm shall hereafter engage in the transportation of persons for hire, by motor vehicles, on any public highway in this state between fixed termini or over a regular route, without having first obtained, as in this act provided, from the Commissioner of Motor Transportation a certificate declaring that the public convenience and necessity require such operation. The commissioner shall have the power to issue to any applicant a certificate of public convenience and necessity, or to refuse to issue the same, or to issue it for the partial exercise only of the privileges sought, and may attach to the exercise of the rights given by such certificate, such terms and conditions as, in his judgment, the public convenience and necessity may require. No such certificate shall be issued by the commissioner until it shall be established to the satisfaction of the commissioner after proper investigation and hearing that the privilege so sought by the applicant is necessary or convenient for the public, and that the service so proposed to be rendered by the aplicant is not being adequately performed at the time of such application by any other person, firm or corporation. The burden of proof shall be on the applicant.

§ 4. It shall be the duty of the commissioner to refuse any application for a permit over a route where there has already been two or more lines established unless it can be shown to the satisfaction of the commissioner that the existing operations are not sufficient to take care of the traveling pub-

lic and the persons holding said certificates refuse to put on sufficient service to take care of said traveling public.

§ 5. Any person, firm or corporation holding a certificate to operate over any public highway in this state, between fixed termini or over a regular route, who abandons or fails to begin operation under said certificate on said line for a period of sixty days, without the consent of the commissioner, said certificate shall become null and void.

§ 6. All applications filed by any person, firm or corporation not granted or acted on by the commissioner within sixty days from date same was filed become null and void.

§ 7. All certificates granted under the provisions of this act shall be renewable annually upon the holder or holders of said certificate paying all fees provided for herein, all renewals to be as of January first of each year. And any holder of a permit granted by the State Highway Commission and in force at the time this act becomes effective, may surrender said permit within thirty days from such time and obtain from the commissioner a new certificate granting the same rights and privileges under this act, upon complying with the provisions hereof as to fees, and when same is issued it shall then be renewable annually as hereinabove provided. In the payment of fees for the new certificate the holder of the surrendered certificate shall be given credit for the unearned portion of the fees paid for the old certificate.

§ 8. It shall be unlawful for any person, firm or corporatoion to operate a motor vehicle for transportation of passengers for hire, between fixed termini or over a regular route, without the driver having a certificate from the commissioner, and wearing a badge issued by the commissioner, showing that said driver has taken examination and passed with a satisfactory grade the following: Driving ability, intelligence, experience, habits and holding a doctor's certificate.

§ 9. If a certificate of convenience be granted for the service over a regular route or between fixed termini the commissioner shall prescribe the route, territory, schedule, fare

or tariff in connection with said service and in all cases may make such other rules and regulations relative to the operation of such vehicles as public convenience and necessity may demand, and may require the filing of any other data affecting the relationship between the motor transportation company, the commissioner and traveling public.

§ 10. When such certificate of convenience is issued for service over a regular route or between fixed termini no change shall be made in the route, schedule, fares or tariffs of such vehicles without the express permission of the commissioner. The procedure in changes of route shall be the same as hereinafter provided for an application for the issual of a new certificate.

§11. The owner of or operator under certificate of convenience shall make such reports and furnish such detailed information with respect to their service rendered as the commissioner from time to time shall direct.

§ 12. Any certificate held, owned or obtained by any person may be sold, assigned, leased or transferred, or inherited as other property upon the approval of the commissioner. If the commissioner refuses to approve of the transfer of any certificate he must give his reason in writing therefor and same shall be kept of record, from which ruling appeal can be taken as hereinafter provided.

§ 13. The commissioner shall have the power and authority by general order or otherwise, to prescribe rules and regulations in conformity with this act applicable to any and all such transportation companies and within such limits shall have power and authority to make orders and to prescribe rules and regulations affecting such companies. The commissioner may at any time by his order duly entered, after hearing had upon ten days' notice to the holder of any such certificate hereunder and the reasonable opportunity to such holder to be heard, if it shall appear that such holder without good cause, has violated or refused to observe any of the orders, rules or regulations of this commissioner, suspend, re-

voke, alter or amend any certificate issued under the provisions of this act, but the holder of said certificate shall have all the rights of rehearing and review and appeal from such order of the commissioner as hereinafter provided in this act.

§ 14. Any person, firm or corporation desiring a certificate under this act shall file an application therefor in such form as the commissioner may prescribe, and shall notify by registered mail any person, firm or corporation holding a certificate over said route, or any part thereof, or any parallel route between the same termini, and any steam or electric railroad paralleling said route, of the fact that said application has been filed. Any such certificate holder, steam or electric railroad, shall have the right to protest such application and shall then be a party in interest in all proceedings relating thereto. Upon receiving said application, the commissioner shall notify the holder of such certificate and said steam or electric railway that such application has been made, and fix the date and time of the hearing, Such notice shall be by special delivery letter. The applicant, or any party in interest in said proceeding, shall have the right to take proof by depositions, as provided in civil equity cases, upon reasonable notice to the commissioner and to all parties in interest in said proceeding.

§ 15. The commissioner then shall pass upon said application, and either grant or refuse the same. Upon granting or refusing he shall make a written statement of the finding of facts, ruling of law, and other matters pertinent to the question at issue, which shall be filed with the records of the proceedings and a copy shall be immediately sent to the parties in dispute.

§ 16. In all matters in which the commissioner has power and authority under this act, he may hear applications and complaints, issue subpoenas and compel the attendance of witnesses and require persons to testify under oath; administer oaths; issue process, orders, opinions, and decisions, but

from which decisions of the commissioner an appeal may be taken to the circuit court of Franklin County, and an appeal may be taken from said circuit court to the Court of Appeals.

§ 17. When any application has been refused the applicant shall have the right to appeal, or if the applicant is granted the certificate, the holder or holders of certificates over said routes, or any part thereof, or any parallel route between the same termini, and said steam or electric railways, shall have the right to appeal from such ruling as hereinafter provided. In case of an appeal by either party they shall, within twenty days after the rendition of such order, file a petition of appeal with the clerk of the circuit court of Franklin County. Such petition shall state fully the grounds upon which a review is sought, assign all errors relied on and shall be certified by the petitioner who shall furnish copies of the petition to any interested persons appearing at the hearing before the commissioner. Summons shall issue upon the petition, directing the adverse party or parties to file answer within fifteen days after service thereof, and directing the commissioner to certify his complete record of the case to the court; or, in lieu thereof, and if consented to by the petitioner and adverse party, an abstract of the record may be prepared.

§ 18. No new or additional evidence may be introduced in the circuit court except as to fraud or misconduct of some person engaged in the administration of this act and affecting the order, ruling or award, but the court shall otherwise hear the case upon the record or abstract thereof as certified by the commissioner, and shall dispose of the case in summary manner, its review being limited to determining whether or not:

1. The commissioner acted without or in excess of his power.

2. The order, decision or award was procured by fraud.

3. The order, decision or award is not in conformity to the provisions of the act.

4. In the finding of facts in issue whether such finding of facts are supported by the evidence.

The commissioner and each party shall have the right to appear in such review proceedings. The court shall enter judgment, confirming, modifying or setting aside the order, decision or award, in its discretion or remanding the case to the commissioner for proceeding in conformity with the directions of the court. The court may, in advance of judgment and upon a sufficient showing of facts, remand the cause to the commissioner. Either party may appeal from the decision of the circuit court to the Court of Appeals. Appeals from these cases may be taken from said circuit court to the Court of Appeals. Such appeals to the Court of Appeals shall have precedence of other cases pending.

§ 19. Neither this act nor any provisions thereof shall apply or be construed to apply to commerce with foreign nations or commerce among several states of this union or business conducted for the United States government, except insofar as the same may be permitted under the Constitution of the United States and the Acts of Congress.

§ 20. Every person, firm or corporation procuring a certificate hereunder shall, at the time of the application for such certificate to operate and annually on the first day of January under the oath of the person constituting such company, if a person, or under the oath of the president, secretary, treasurer, superintendent or manager of such association or corporation, make and file with the commissioner a statement in such form as the commissioner may prescribe. One, stating the name of the company. Two, the nature of the company, whether a person or persons, association or corporation, and under the laws of what state organized. Three, the location of its principal office. Four, the name and post office address of the president, secretary, auditor, treasurer, superintendent or manager. Five, the name of and post office address of the chief officer or managing agent of the company in this state.

Six, the location of its termini between which it transacts its motor transportation business, and the complete route over which the applicant operates or desires to operate. Seven, the number and seating capacity and gross weight of each, motor propelled vehicle owned and used by such company for the transportation of persons. Eight, the kind of motor vehicles to be used by such company. Nine, the schedule upon which motor vehicles are operated. Ten, the schedule showing the passenger rate to be charged between the several points. Eleven, a list of their assets and liabilities and statement shall be filed at the time the application is made and annually on the first day of January each year thereafter.

§ 21. Except as otherwise expressly provided, it shall be unlawful for any person or motor transportation company as defined in this act, to operate in this state on any route, other than the route provided for in the certificate granted by the commissioner, or to fail or refuse to operate on the whole of the route, in the manner and at the time specified in the certificate; execept in case of emergency due to the act of God or unavoidable accident or casualty the route becomes impassible, or in case it becomes necessary to make temporary detours; and it shall be unlawful for any such person or transportation company to neglect or refuse to comply with and obey any and all regulations and orders of the commissioner and other statutory laws and regulations of the State of Kentucky governing and applying to such motor vehicles, provided, however, that nothing in this act shall prohibit a motor transportation company not operating between fixed termini or over a regular route from making casual trips over routes established hereunder.

§ 21a. "Casual trips" as used in this act and section means that any person, firm or corporation not operating under a certificate between a fixed termini or over a regular route may operate over any route betwen a fixed termini where other person or persons hold a certificate or certificates, provided that on said casual trips no one shall be allowed to

pick up any passenger along the route, nor be permitted on the return trip to haul any person or persons other than those included in the original trip.

§ 22. No motor vehicle engaged in transportation of persons for hire shall be permitted by its operator to carry a greater number of passengers, than twenty-five per cent. over its seating capacity, or the number specified in the certificate issued by the commissioner. No passenger shall be permitted to ride upon the steps or the running board of any motor vehicle engaged in the public transportation of passengers for hire, nor upon the top of any motor vehicle engaged in the public transportation of passengers, unless such top has been designed and constructed for such use, and is properly provided with seats and protecting railings, and authorized by certificate issued by the commissioner. No motor vehicle shall be operated between fixed termini or over a regulah route with an extreme width exceeding ninety (90) inches.

§ 23. Immediate notice, in writing, shall be given to the commissioner of all accidents, which shall result in the loss of life or when the injury is of a serious nature.

§ 24. It shall be unlawful for any person, firm or corporation, engaged in the operation of a line of motor transportation of persons for hire under the provisions of this act, operating between fixed termini and over a regular route, to withdraw any of the same from public service permanently without having first given the commissioner at least ten days' notice in writing of his or its intention to do so.

§ 25. Each and every owner or operator of a motor vehicle under this act shall have displayed at all times on each side of such vehicles, the name of the owner, the office address, the number of the vehicle, which number shall correspond to the number on his metal tag furnished by the commissioner, the place of its starting terminal, and the name of the driver shall also be posted in a conspicuous place in said vehicle

§ 26. The commissioner and his representatives are authorized at any and all times and places to make inspection

under the provisions of this act and will be provided with appropriate badge for identification. They shall have the right to enter into and upon any motor vehicles to which this act is applicable for the purpose of ascertaining whether or not the provisions of this act, the rules or regulations of the commissioner, or any of them, have been violated. Wilful refusal of the operator of any such motor vehicle to stop the same when ordered to do so by any representative of the commissioner, or to permit such representative to enter into or upon the same for the purpose aforesaid, shall be sufficient ground for the revocation or suspension of such certificate.

§ 27. Each and every person, firm or corporation now or hereafter operating a line or lines of passenger transportation by means of motor vehicles, shall pay the following fees, to-wit:

For each and every motor vehicle transporting passengers for hire over any public highway of this state and not operating between fixed termini or over a regular route, and all "U-drive-its," "jitneys" or "taxicabs," $2.50 for each passenger seat or space.

For each and every motor vehicle operating over any public highway of this state between fixed termini or over a regular route, capable of carrying five passengers or less, $5.00 for each passenger seat or space, and $1.00 for each one hundred pounds gross weigth of said motor vehicle, and $10.00 for the bus tag issued by the commissioner hereinafter referred to in this act.

For each and every motor vehicle operating over any public highway of this state between fixed termini or over a regular route, capable of carrying six passengers and up to and including twenty passengers, $10,00 for each passenger seat or space and $1.00 for each one hundred pounds gross weight of the motor vehicle, and $25.00 for the bus tag issued by the commissioner hereinafter referred to in this act.

For each and every motor vehicle operating over any public highway in this state between fixed termini or over a

regular route, capable of carrying more than twenty passengers, $15.00 for each passenger seat or space and $1.00 for each one hundred pounds gross weight of the motor vehicle and $50.00 for the bus tag issued by the commissioner hereinafter referred to in this act. Provided, however, that no motor transportation company shall operate any type vehicle between fixed termini or over a regular route with a seating capacity of more than thirty passengers.

§ 27a. Any person, firm or corporation operating motor vehicles for the transportation of persons for hire wholly within the corporate limits of any city or town, where the highway is not maintained in whole or in part by the state, county or federal government, shall not be construed to be under the provisions of this act, except as to the payment of fees, but they shall not be exempt from the payment of any muncipal, state or local license fee.

§ 27b. For the purpose of determining the gross weight under this act and section, all persons, firms or corporations. shall file with their application for a certificate an affidavit setting forth the gross weight of the motor vehicle or vehicles to be used over said route.

§ 28. On a motor transportation company operating between fixed termini or over a regular route complying with the provisions of this act and paying all of the above fees, all local, municipal and state license fees now in force shall cease to be operative as to them and shall also be in lieu of fee now paid to the county clerk for license plates, except the municipalities and other local subdivisions may make reasonable local police and traffic regulations subject to any and all state traffic regulations within their boundary, not inconsistent with the provisions of this act.

§ 29. On a motor transportation company complying with the provisions of this act, and paying above fes the commissioner shall issue metal plates, which plates shall be in such form or forms as prescribed by the commissioner, and

the holder thereof shall be required to fasten such plates upon the front end and rear end of each motor vehicle used under this act in the transportation of persons for hire. Such plates to be provided by the commissioner or some person under his direction, and shall be of proper and practicable form and size and shall contain such lettering as the commissioner may deem necessary and proper, practical and sufficient for the intended purpose.

§ 30. After the payment of all expenses incident to the enforcement of this act all funds collected under the provisions of this act shall be credited to a fund designated for the repair and maintenance of roads in this state. If any person or motor transportation company refuses or fails to pay the fees assessed thereunder to them within thirty days from the date when same is due and payable, the commissioner shall add a penalty of twenty per cent. and certify a list of such delinquent companies to the Attorney General, and he shall force payment of same.

§ 31. Such taxes and penalties thereon shall be recovered by an action in the name of the state, which may be brought in the circuit court of Franklin County. The Attorney General, on request of the commissioner, shall institute such action and in any such action it shall be sufficient to allege that the tax or penalty sought to be recovered stands charged on the delinquent list of the treasurer of the state, and the same has been unpaid for a period of thirty days after having been placed thereon.

§ 32. No person shall be permitted to drive any automobile or motor bus for the transportation of persons for hire between fixed termini or over a regular route as provided under this act, until said person has been granted a certificate by the commissioner. Any person desiring to drive an automobile or a motor bus for hire shall file with the commissioner his application and shall pay to said commissioner a fee of twelve dollars and fifty cents ($12.50) annually. Said application shall contain the name of the applicant, the experience he

has had in the operation of motor vehicles, a certificate from some reputable physician as to his eyesight, and condition of health and habits. Before the said applicant is granted a certificate, he shall be required to take such tests or examinations as the commissioner may require. The said application, if granted, shall be subject to cancellation upon due notice to the holder thereof for ten days before the hearing and said certificate shall be cancelled if said applicant violates any of the rules and regulations prescribed by the commissioner. No certificate shall be issued to any person under twenty-one (21) years of age. If any certificate shall be cancelled the holder thereof shall return badge issued to him by the commissioner to said commissioner.

§ 33. All drivers of motor vehicles transporting persons for hire over any public highway in this state between fixed termini or over a regular route, are required to stop each and every motor vehicle before crossing over any steam or electric interurban railroad main tracks at a grade, stop to be made at not less than ten feet nor more than thirty feet from the nearest railroad over which the highway crosses, except where such crossing is a guarded crossing protected by gates or a flag controlled or operated by an employee of such railroad. After making the stop herein required, the driver or operator of the motor vehicle shall carefully look in each direction for approaching cars or trains and shall not start his vehicle until it is ascertained that no cars or trains are approaching in either direction.

§ 34. The commissioner shall issue certificates over his signature, attested by the seal of the Commonwealth of Kentucky. The said commissioner shall keep a numerical record of all certificates issued under the provisions of this act.

§ 35. The said commissioner shall furnish a metal badge for each licensed driver of such motor vehicles which badge shall be worn by said driver at all times when on duty.

§ 36. For the purpose of carrying out the provisions of this act, the Governor is hereby authorized to appoint a per-

son to be known as Commissioner of Motor Transportation, who shall be at least thirty-two (32) years of age and a resident of Kentucky for four years before his appointment. He shall be appointed for a term of four years, unless sooner removed by the Governor. The said commissioner shall have the right, subject to the approval of the Governor, to appoint certain assistants as are necessary for the enforcement of this act. The commissioner shall be paid a salary or not less than $3,600.00, nor more than $4,000.00 per annum, payable monthly. Said annual salary to be fixed by the Governor. The salary of the assistants to be fixed by the commissioner subject to the approval of the Governor. The number of assistants shall not exceed three and their salary shall not exceed $2,400.00 each, per annum, said salary to be paid monthly.

§ 37. It is further provided that all transportation companies operating motor transportation of persons for hire between fixed termini or over a regular route shall furnish to the commissioner and his assistants free transportation over their respective lines at all times.

§ 38. All fees payable under this act shall be due and paid on the first day of January of each year, except that where any certificate is granted after the first of January, the holder thereof shall be required at the time same is granted to pay the proportionate part of the fees due for the remainder of the year.

§ 38a. Before a certificate is issued under this act, the applicant shall furnish security by filing with the commissioner to which the application is first made, good and sufficient bond, with adequate corporate surety, payable to the Commonwealth of Kentucky, which shall bind the obligors therein to pay any final judgment rendered against any such motor carrier arising out of the death or injury to any passenger or passengers or loss or damage to property while in transit or injury to other persons or property, or any act or omission connected with the operation of such motor carrier,

which bond shall be in such penal sum as the commissioner may deem necessary to protect the interests of the public, with due regard to the number of persons and amount of property involved and loss or damage to property resulting from the operation of such motor carrier.

Instead of such bond as a part of the security required, the commissioner may accept a policy of insurance, or other contract in writing deemed by him adequate, by which any surety company or insurance company authorized to execute such contract shall assume the liability prescribed by this section.

The commissioner may exempt, in whole or in part, from the requirements of this paragraph any motor carrier, upon application for such exemption and upon showing to the commissioner to his satisfaction that by reason of the financial ability of the motor carrier or otherwise there exists due assurance of the payment of any and all damages for which it may be liable as a result of the negligent operation of the proposed service to the extent of the insurance or bond herein required, and upon its agreeing, as a condition for the granting of the exemption, to report faithfully and promptly to the commissioner all accidents and injuries arising out of the operation of any of its motor vehicles. The exemption herein provided shall be made only by written order of the commissioner, as the case may be. The commissioner may from time to time require further statements of financial ability of such motor carrier and may, upon ten days' notice in writing, for cause, revoke his order granting such exemption, in which case such motor carrier shall immediately comply with the requirements of this section.

§ 39. Each and every officer, agent or employee or any person, firm or corporation, or such person, firm or corporation, violating any of the provisions of this act, or failing to comply with any of the provisions of this act, or any section or subsection thereof, shall be deemed guilty of a misdemeanor

and upon conviction shall be subject to a fine of not less than one hundred dollars ($100.00), nor more than one thousand dollars ($1,000.00) for each offense, and if such violation exists over a period of time, each day shall be considered a separate offense.

§ 40. The provisions of this Act are severable, and if any of its provisions, or the penalties provided therein, shall be held unconstitutional, the decisions of the courts shall not affect or impair any of the remaining provisions of this Act. It is hereby declared as a legislative intent that this Act would have been adopted had such unconstitutional provisions or penalties not been included therein.

§ 41. Chapter 81 of the Acts of the General Assembly of 1924 is hereby repealed and this Act shall embrace all of the law upon the subject of the regulation, supervision and administration of motor transportation in this Commonwealth for compensation.

§ 42. All acts or parts of acts in conflict herewith are, to the extent of such conflict, hereby repealed.

§ 43. An emergency is hereby declared to exist and this act shall become effective upon its passage and approval by the Governor.

Mr. Murphy offered the following amendment to said substitute, viz.:

Amend substitute for H. B. 190 by striking therefrom on page 4, of the printed bill, in section 5, at lines 5 and 6, the following words, to wit: "without the consent of the Commissioner."

Said amendment was agreed to.

Mr. Evans offered the following amendment to said substitute, viz.:

Amend the substitute for H. B. 190 by inserting after the word "public" on line 8, paragraph 9, page 5, the following: "on all lines where school children are patrons of the busses, they shall be charged a rate of not more than one-half fare, based upon the adult charge."

Said amendment was agreed to.

Said substitute was then adopted.

Ordered that said bill be engrossed and read the third time.

The Constitutional provisions as to the third reading of said bill at length being dispensed with and the same being engrossed, it was read the third time by its title only, and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	S. J. Bunger	R. E. Glenn
W. B. Ardery	W. A. Carson	F. A. Gnau
Wm. J. Arvin	C. B. Carver	Whitsett Hall
W. O. Bach	J. D. Cox	Lawrence Harmon
A. J. Baldridge	J. S. Cruse	J. F. Harrison
L. D. Bax	W. J. Curtis	C. W. Hawkins
T. H. Benton	J. L. Cushing	J. M. Hayse
Shaler Berry	C. L. Daly	H. M. Holbrook
C. H. Berryman	J. R. Dorman	H. B. Holland
W. P. Bowman	E. J. Doss	Ira L. Horne
D. F. Brown	James M. Durham	J. C. Hutcherson
Geo. A. Brown	D. E. Edwards	E. M. Johnson
F. W. Bryant	J. O. Evans	Grover C. Johnson
J. R. Buckman	D. W. Fowler	D. C. Jones
W. G. Buckner	Otto C. Gartin	Mrs. H. G. Jorris

W. O. Keller	T. R. Moore	R. R. Rogers
J. R. Kelly	B. T. Morris	Philip J. Ryan
Thos. H. King	L. P. Murphy	C. W. Ryans
Oscar Leibson	Chas. N. McCarty	M. G. Slusher
W. W. Leslie	J. L. McDavid	W. R. Smith
Leon P. Lewis	W. J. McGill	E. J. Snyder
J. L. Manning	F. T. Nichols	Frank L. Strange
Joe Martin	Smith Park	J. G. Swearengin
A. M. Mercer	J. J. Patterson	J. L. Valandingham
H. J. Meyers	Jas. J. Peters	C. D. Vincent
H. H. Miller	Geo. W. Potter	W. S. Wallen
J. S. Milliken	W. H. Pryor	T. B. Watts

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Those who voted in the negative were—

J. H. Baughman	Caleb Page	Chiles Van Antwerp
Mormon B. Daniel	Chas L. Seale	
W. W. Johnson	Mac Swinford	

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Resolved that the title thereof be as aforesaid.

Mr. Murphy moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Fowler moved that the session of today be extended indefinitely.

Said motion was agreed to.

Mr. Leon P. Lewis moved that the Speaker appoint a Committee of three members to draw suitable resolutions on the death of member from this House, Hon. C. C. Givens.

Said motion was agreed to.

Thereupon the Speaker appointed Messrs. Lewis, Hutcherson and Pulliam.

Upon a call of the Counties and Legislative Districts, the following bills were introduced, ordered printed and referred as follows, viz.:

By Mr. Harrison:

H. B. 545. An Act to amend and re-enact Section 20 of an act entitled "An Act relating to vehicles; regulating their use and operation upon the public highways of this Commonwealth; providing for the registration and licensing of motor vehicles; fixing the amount of the license, and manner of payment thereof; providing for the registration and licensing of operators of motor vehicles and the amount of such license; providing a method of registration of motor vehicles; preventing illegal traffic in motor vehicles; providing penalty for the violation of this act, and repealing any and all conflicting laws," approved March 23, 1920,

To Committee on Motor Transportation.

By Mr. Ardery:

H. B. 546. An Act requiring county court clerks to make application to the Auditor of Public Accounts for the issuance of blank forms of marriage licenses, bonds, and certificates and providing that no marriage license shall be issued except in the office of the county court clerk, and upon blanks so furnished and procured, and providing penalties for any person furnishing to a county court clerk a printed form of marriage license without permit therefore from the Auditor of Public Accounts,

To Committee on Judiciary.

By Mr. Gartin:

H. B. 547. An Act to repeal, amend and re-enact Section 1847 of the Kentucky Statutes, Carroll's Edition of 1915, as amended by the acts of the General Assembdly of Kentucky, Chapter 115, page 551, session of 1920, and now Section 1847 of the Kentucky Statutes, Carroll's Edition of 1922, relating to commissioners to constitute fiscal courts and providing for special elections therefor and term of office, and providing for compensation of commissioners in counties having cities of the second class,

To Committee on County and City Courts.

By Mr. Miller:

H. B. 548. An Act to amend, extend the provisions of, and re-enacted as so extended, Section 298 of the Civil Code of Practice, relating to receivers,

To Committee on Codes of Practice.

By Mrs. Jorris:

H. B. 549. An Act to provide for the teaching of the rules of order in conducting public meetings, etc., and to add elementary parliamentary law in all common schools, except cities of the first, second and third classes,

To Committee on Home Economics.

By Mr. Cruse:

H. B. 550. An Act providing for the better government, administration, disposition and discipline of the police and fire departments of cities of the third class, and to create and

perpetuate a pension fund for disabled police and firemen in such cities, their widows and children and dependent fathers and mothers, and to create and perpetuate a Board of Trustees for the management and conduct thereof, and to pension members thereof after service of a term of years and to provide revenue for the payment of same,

To Committee on Cities of Second and Third Classes.

By Mr. Swinford:

H. B. 551. An Act to create the office of revisor of the statutes and to provide for his appointment and to define his duties and fix his compensation,

To Committee on Kentucky Statutes.

By Mr. Fowler:

H. B. 552. An Act to protect the title of motor vehicles; to provide for certificate of title and evidence of registration thereof; to regulate purchase and sale or transfer of ownership; to facilitate the recovery of motor vehicles stolen or otherwise unlawfully taken; to prescribe the powers and duties of officers and to provide penalties for violations of the provision hereof, and to repeal any and all acts in conflict herewith,

To Committee on Motor Transportation.

By Mr. Hayse:

H. B. 553. An Act to amend "An Act to amend and re enact Section 911 of the Kentucky Statutes, Carroll's Edition 1915, relating to official indexers," approved March 23, 1920,

being Section 911 of Carroll's Kentucky Statutes, 1922 Edition,

To Committee on Kentucky Statutes.

By same:

H. B. 554. An Act to amend and re-enact an act entitled "An Act to amend an Act entitled 'An Act for the government of cities of the first class,' " approved March 18, 1902,

To Committee on Kentucky Statutes.

By Mr. Baldridge:

H. B. 555. An Act relating to roads and highways,

To Committee on Roads and Highways No. 2.

By Mr. Meyers:

H. B. 556. An Act to amend an Act of the General Assembly of the Commonwealth of Kentucky, approved March 12, 1912, and being Section 4012a, Kentucky Statutes, Carroll's Edition —— entitled: "An Act limiting the time in which the enforcement of tax titles and tax liens may be effected;" and to provide a limit of time in which tax liens may be enforced, and possession of, or title to, property sold for taxes may be recovered, and in which actions for quieting of title to lands sold for taxes and the cancellation of tax deed may be maintained,

To Committee on Revenue and Taxation No. 2.

By Mr. D. F. Brown:

H. B. 557. An Act relating to educational institutions not supported by State funds within the Commonwealth of Kentucky, commonly known as quasi-public Normal Schools, prescribing the requirements, rules and regulations for issuing certificates to students of such institutions to teach in the public schools of Kentucky, defining the powers and duties of the State Board of Education with respect thereto, and repealing Chapter 151 of the 1918 Acts of the General Assembly of Kentucky, the same being Sections 4335c-1 to 4535c-3, inclusive, of the Kentucky Statutes, Carroll's 1922 Edition.

To Committee on Education No. 1.

By Mr. Vincent:

H. B. 558. An Act adding additional road project to the present state primary system of roads,

To Committee on Roads and Highways No. 2.

By Mr. Curtis:

H. B. 559. An Act to amend Chapter 260 of Acts of General Assembly of the Commonwealth of Kentucky of the 1924 session, which relates to roads and highways.

To Committee on Roads and Highways No. 2.

The Committees to which same had been referred, reported bills of the following titles, viz.:

By Mr. Glenn of the Committee on Appropriations No. 2:

H. B. 395. An Act to appropriate sixty-five thousand ($65,000.00) dollars to the use of the Kentucky Branch of the National Congress of Parents and Teachers,

With Committee amendment thereto.

By Mr. Cushing of the Committee on Cities of the Second and Third Classes:

H. B. 470. An Act to amend Section 1321 Kentucky Statutes, Carroll's 1922 Edition.

With Committee amendments thereto.

By Mr. Doss of the Committee on Claims:

H. B. 477. An Act for the benefit of Minnie Gruelle, whose husband, G. C. Gruelle, lost his life while engaged in the performance of a public service, leaving the said Minnie Gruelle as his widow, and for the benefit of the three surviving infant children of G. C. Gruelle and his said wife, Minnie Gruelle.

By Mr. G. A. Brown of the Committee on County and City Courts:

H. B. 490. An Act to amend and re-enact Section 2282, Kentucky Statutes, relating to appointment of Trustee of the Jury Fund,

H. B. 488. An Act authorizing the County Judge of counties containing a city of the first class, to appoint a Trial Commissioner,

Without an expression of opinion.

By Mr. Ardery of the Committee on Court of Appeals:

S. B. 17. An Act providing for reviewing judgments of Circuit Courts in penal actions and prosecutions for misde-

meanors by the Court of Appeals and repealing all acts or parts of acts in conflict herewith.

H. B. 275. An Act to give to supersedeas bonds executed upon appeals to the Court of Appeals and upon appeals to the circuit court the force and effect of a judgment, and to provide a means of collection of certain costs, revenues, and fines and penalties due to the Commonwealth of Kentucky.

By Mr. Meyers of the Committee on Criminal Law:

H. B. 119. An Act to amend and re-enact 2554d-2, Carroll's Kentucky Statutes, 1922 Edition, relating to reward for persons securing arrest and conviction of offenders in moonshine cases,

With a Committee amendment thereto by way of substitute therefor.

The hour of twelve o'clock having arrived, Mr. Fowler moved that the House do now recess until one o'clock P. M.

Said motion was agreed to.

The hour of one o'clock P. M. having arrived, the Speaker resumed the Chair and called the House to order.

Mr. Pulliam of the Committee on Education No. 2, to which same had been referred, reported a bill of the following title, viz.:

H. B. 253. An Act relating to County Suprintendent of Schools; providing for his qualifications and repealing all laws in conflict therewith.

By Mr. Smith, of the Committee on Insurance, Life and Accident:

S. B. 72. An Act to amend and re-enact Section 723, Kentucky Statutes.

H. B. 376. An Act authorizing any corporation organized under the laws of the State of Kentucky to insure for its benefit, the life of any of its directors, officers and employees, and to pay, and to continue to pay the premiums therefor.

H. B. 375. An Act providing that all policies of life insurance shall be incontestable after being in force for two years.

By Mr. Swinford of the Committee on Judiciary:

H. B. 330. An Act making it a misdemeanor and imposing a penalty on any County, District or State officer of this Commonwealth or on any person for releasing a prisoner from any county jail of the Commonwealth while confined under judgment of a court of the Commonwealth.

H. B. 353. An Act to repeal and re-enact Section 131 of the Kentucky Statutes, 1915 Edition, relating to the appointment and compensation of a county attorney pro tem, and providing that such compensation shall be deducted from the compensation to be paid to the county attorney.

H. B. 352. An Act to repeal and re-enact Section 120 of the Kentucky Statutes, 1915 Edition, relating to the appointment of a Commonwealth's attorney pro tem. and providing for compensation so as to deduct the amount so allowed to a Commonwealth's attorney pro tem. from the compensation to be paid to the Commonwealth's Attorney.

H. B. 479. An Act requiring all public officials of a county, municipalities, or subdivisions less than a county whose duty it is to collect or to have the custody of public funds of such county, municipality or political subdivision, to make, publish and file annually an itemized sworn statement of all such funds received and disbursed by him during the fiscal year, except counties having therein a city of the first class; prescribing penalities for a violation thereof.

By Mr. Ryan of the Committee on Kentucky Statutes:

S. B. 92. An Act to amend and re-enact Section 1169 of the Kentucky Statutes, Edition of John D. Carroll of 1915, relating to the burning of warehouse, barn, other house or personal property, by inserting therein the words "or stock of goods, wares or merchandise, or household goods or any article of personal property," and the word "automobile."

H. B. 335. An Act in regard to wills.

H. B. 494. An Act to repeal Section 2118 of Kentucky Statutes.

H. B. 349. An Act to amend and re-enact Section 1962 of the Kentucky Statutes, Carroll's 1915 Edition, and repealing all acts, or parts of acts in conflict therewith,

With Committee amendments thereto.

By Mr. Berry of the Committee on Municaplities:

H. B. 300. An Act to authorize cities of the First, Second, Third and Fourth Class, to acquire water works and to issue bonds therefor, payable from the revenues of such works.

S. B. 79. City government bill for cities of the First Class.

H. B. 466. An Act increasing and fixing the salary of district detective to the commonwealth's attorney, and supervisor parents, in counties in this Commonwealth containing a population of more than two hundred thousand.

H. B. 364. An Act providing for the construction and reconstruction of sidewalks and curbings along or over any boulevards, parkways, avenues, driveways or other public park propety which are under the control of the Board of Park Commissioners in cities of the First Class, providing the manner in which such construction and reconstruction shall be made under the supervision of the Board of Public Works, and prescribing the method by which the cost thereof shall be apportioned against contiguous property.

H. B. 365. An Act amending and re-enacting Section 2982, Kentucky Statutes, Carroll's Edition of 1922, being Section 197 of the Act approved July 1, 1893, entitled "An Act for the government of cities of the first class" as amended by Section 2 of the Act approved March 16, 1898, as amended by an act approved March 23, 1922, and providing for the borrowing by such cities of funds for current fiscal needs and authorizing the Mayor of such cities to execute and deliver promissory notes for the sums so borrowed and the pledging of current taxes and revenues to secure such loans.

By Mr. E. M. Johnson of the Committee on Printing:

H. Res. 11. Joint resolution providing for the payment of assistants for the Superintendent of Public Printing.

By Mr. Milliken of the Committee on Revenue and Taxation No. 1:

S. B. 87. An Act to amend and re-enact Sections 4130, 4135, 4143, 4146, 4147, 4148, 4151, subsections 2 and 4250 of the Kentucky Statutes, John D. Carroll's Edition, 1915, as amended by Chapter 108 and Chapter 121 of the 1924 Acts of the General Assembly of the Commonwealth of Kentucky, all relating to revenue and taxation.

H. B. 224. An Act relating to dogs, the promotion of live stock industries and the protection of live stock and poultry from damage by dogs; providing for licensing of dogs, regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of licensed dogs and dogs temporarily imported for trial, show and breeding purposes, prescribing certain privileges for hunting dogs, providing for listing of dogs by county assessors and penalty for his failure to list; providing for the assessment of damages done by dogs, and payment thereof by the proper county to the owners of live stock and poultry and of damages to licensed dogs; imposing powers and duties on certain state and county officers and providing penalties and fees.

H. B. 424. An Act placing mussell shell beds in the Ohio river and other Kentucky streams under the control and regulation of the State Game and Fish Commission.

H. B. 431. An Act to repeal and re-enact Section 4458, 4459, 4460, 4461, and 4462, Kentucky Statutes, Edition 1922, relating to the assessment and collection of taxes by subdivisions for school purposes and providing methods of levying taxes and collecting same.

By Mr. Strange of the Committee on Roads and Highways No. 2:

S. B. 7. An Act to add to the Primary System of Public Highways.

H. B. 281. An Act to amend Section 5 of Chapter 17 of the Acts of 1920, relating to Roads and Highways, and creating Project No. 10-D.

H. B. 511. An Act relating to Roads and Highways and describing and fixing a project to be added to the primary system of roads and highways.

H. B. 515. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

H. B. 510. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

H. B. 489. An Act adding road Projects Nos. — — to primary road system of Kentucky.

H. B. 458. An Act to establish a new primary road project beginning at the juncture of the left and right forks of Straight Creek, in Bell County, Kentucky, thence up the Right Fork via Kettle Island to a point in State Project No. 110.

H. B. 459. An Act to establish as a part of the primary system of State highways a road from Eddyville, Lyon County, to a point known as Elkhorn Tavern on the Princeton and Marion highway now complete.

H. B. 467. An Act to establish a new State primary road project, beginning at London, County Seat of Laurel County, and extending by way of Maplesville, and McWhorter to Burning Springs on State Project No. 30, and to be known as State Primary Road Project No. —.

H. B. 497. An Act relating to roads and highways; providing for making a part of a primary road system of the Commonwealth of Kentucky a project running from Murray via New Concord to the Tennessee River in Calloway County.

H. B. 496. An Act relating to roads and highways, placing on primary system from Mt. Lebanon School House, Richardsville, Kentucky, by way of Region, Kentucky and Therlkel.

H. B. 495. An Act relating to roads and highways placing on primary system from Richardsville to Caneyville.

H. B. 492. An Act to establish a new road project, beginning at Hazel Green, Wolfe County, Kentucky, and running to the Garret highway at Myse, Kentucky, in Morgan County, Kentucky.

H. B. 27. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

H. B. 183. An Act to repeal and re-enact Chapter 277, Acts General Assembly 1924, being an Act entitled "An Act to amend and re-enact Section 9, Chapter 17 of the Acts of 1920, relating to roads and highways by adding to said section the town of Williamsburg, as a construction center" by including Fullerton in said named construction centers.

H. B. 427. An Act to add to Project Number —— in Wayne County, by including in the State Primary Systems of roads the route from Monticello, Wayne County, to the Tennessee State line, following the top of the mountain between Mt. Pisgah and Slickford, after passing Cooper Post Office.

H. B. 406. An Act relating to roads and highways.

H. B. 407. An Act relating to roads and highways.

H. B. 473. An Act to establish a new State primary road project beginning in State Project No. 4 at Jeff, Perry County, up the Kentucky river and Rockhouse Creek to an intersection with State Project No.——, west of Isom in Letcher County.

H. B. 90. An Act adding Project No. 40½ to the primary system of State Highways as established by Act of General Assembly 1920.

H. B. 480. An Act relating to roads and highways and describing and fixing a project to be added to the State primary system of roads and highways; from Washington in Mason County, Kentucky, to Mount Olivet in Robertson County, Kentucky, and to be known as Project No. ——.

H. B. 487. An Act to establish State Primary Number ——, beginning near Orat Radcliffe, in Hardin County, on the Dixie highway leading by the way of Woolridge Ferry to Belmont, Bullitt County.

H. B. 474. An Act to establish a new State Primary Road Project from Flat Gap in Letcher County by way of Eolia to a point in State Project No. 6, on the south side of Pine Mountain.

H. B. 131. An Act to establish a road from mouth of Caney Creek, Knott County, Kentucky, to State Project No. 4, in Letcher County, Kentucky.

H. B. 133. An Act to establish a road from Lackey, Floyd County, Kentucky, to Troubesome Creek, Knott

County and to connect with Project No. ——, relating to roads and highways.

H. B. 430. An Act to establish a new State Primary Road Project to be known as Project No. ——, beginning at Regina, at mouth of Marrowbone Creek, in State Project No. 6¾, Pike County, to Shelby Gap in the Mayo Trail. (State Project No. 6.)

H. B. 132. An Act to establish a road from Hindman, Kentucky, to the mouth of Breeding Creek, in Knott County, Kentucky, and to be known as Project No.———.

By Mr. Buckner of the Committee on State Parks:

H. B. 187. An Act to supplement Chapter 9, of the Acts of the General Assembly of the Commonwealth of Kentucky, 1924 session, creating a permanent Kentucky State Park Commission, providing for a Director of State Parks, the employment of Custodians for State Parks, empowering said Commission to make rules and regulations for the maintenance of State Parks and employees, designating certain tracts of land as State Parks and appropriating money for the care, maintenance and improvement of State Parks .

With Committee amendments thereto.

With the expression of opinion that said bills ought to pass, with the exception of those above otherwise indicated.

Said bills were severally read the first time at length and ordered to be placed on the Calendar.

The Committee to which same had been referred, reported bills of the following titles, viz.:

By Mr. G. A. Brown of the Committee on County and City Courts:

H. B. 398. An Act authorizing the Fiscal Court in each county, other than counties having therein cities of the first and second class, to adopt, provide for, and maintain a system of general indexing of the records of all of the real estate in said counties.

By Mr. Daly of the Committee on Charitable Institutions:

H. B. 461. An Act to amend, and re-enact Section 2, of Chapter 18, of the Acts of the General Assembly of 1924, making it mandatory for the fiscal court to extend relief to the needy blind.

H. B. 110. An Act to amend an Act entitled "An Act to provide for the relief of the needy blind in the counties" being Chapter 18 of the Acts of the General Assembly of 1924, approved March 28, 1924.

By Mr. Ryan of the Committee on Kentucky Statutes:

H. B. 294. An Act creating the County of Fields, and changing the lines of Clay and Knox County.

H. B. 188. An Act authorizing the collection of reasonable attorney's fee, etc.

H. B. 317. An Act creating a lien on motor vehicles for death or injuries to person or property by reason of the negligent operation thereof; making said lien superior to all other mortgages, liens or debts on said vehicle, except liens for taxes or licenses; and providing for the recording of said liens.

By Mr. Carver of the Committee on Immigration and Labor:

H. B. 264. An Act providing for a minimum standard of hygiene and safety in workshops, factories and other places of employment designed for the protection of health and prevention of accidents to employees working in such places of employment, providing for administration and enforcement and for penalties for violation thereof.

With the expression of opinion that said bills ought not to pass.

No further action having been taken by the House in regard to said bills, and no further motion having been made to advance said bills to a reading, the report of the Committee to the contrary notwithstanding, it was ordered that said bills be not read the first time at length and so said bills were rejected.

The hour of two o'clock P. M. having arrived, that being the hour for the Special Order of the Day, the House took up for consideration from the orders of the day, said Special Order, to-wit:

H. B. 16. An Act to repeal and re-enact Chapter 8 of the Acts of the General Assembly of 1914, being Section 1213a Kentucky Statutes, 1922 Edition, and being entitled "An Act to regulate the making, drawing, uttering or delivering of checks, drafts or orders for the payment of moneys and fixing the penalties for violation of same, known as the cold check law,"

With Committee amendments thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Chapter 8 of the Acts of the General Assembly of the 1914 Session, being now Section 1213a of Kentucky Statutes, 1922 Edition, be and the same is hereby repealed, and in lieu thereof the following is hereby enacted:

Section 1213a. That any person who shall make, draw, utter or deliver, any check, draft or other order for the payment of money upon any bank or other depository, and shall thereby obtain thereon money, goods, or credit on any account which he then owes, not having at the time of such making, drawing, uttering or delivery sufficient funds in such bank or other depository, for the payment of such check, draft or order in full upon its presentation; or

Who after having made, drawn, uttered or delivered such check, draft or order for the payment of money upon any bank or other depository shall withdraw, or cause to be withdrawn, the money or any part thereof to the credit of the maker of such check, draft or other order for the payment of money without leaving with such bank or other depository a sufficient sum to cover such check, draft or other order for the payment of money, shall, if the amount of said check, draf or order be ten dollars, or less, be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than one hundred dollars, or imprisoned not to exceed thirty days, either so fined or imprisoned, or both, in the discretion of the court or the jury trying the case, and if the amount of said check, draft or order be more than ten dollars, he shall be guilty of a felony and upon conviction be confined in the penitentiary for not less than one year nor more than five years, and the drawer of such check shall be prosecuted in the county in which the check is delivered. The place of delivery shall be construed to mean the place of business of the person or firm in whose favor said check or draft is drawn, or in which the bank or institution on which said check, draft or order is drawn, is located.

Provided, however, that if the person who makes, issues, utters or delivers any such check, draft or order, shall pay the same within twenty days from the time he receives actual notice, written or verbal, of the dishonor of such check, draft or order, then any prosecution that may have been instituted within said time, shall if payment be made of said check as aforesaid, be dismissed at defendant's cost. A written notice from the bank or institution on which said check, draft or order is drawn addressed to the drawer at his last known place of residence shall be prima facie evidence of notice of such dishonor, and

Provided further, however, that in all cases, where the drawer is indicated for a felony under this act, may elect in open court to pay to the person in whose interest the said check, draft or order is drawn or the bona fide holder, of the same the amount of said check, draft or order, and be fined in any sum not less than double the amount of said check, draft or order, and the costs of the prosecution, then said indictment shall be dismissed.

§ 2. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Said Committee amendments are as follows, viz.:

Amendments to H. B. 16. Amend line 20, page 2, strike out the word "ten" inserting the word "twenty."

Line 24, page 2, strike out the word "ten" inserting the word "twenty."

Line 30, page 2, strike out the words "or in which" inserting the words "or if payee be a non-resident."

Line 31, page 2, add after the word "located" the words "or if said bank or other institution be in another state then

the defendant shall be tried in the county in which he resides.''

Line 35, page 2, strike out the first word and insert the word ''of.''

Line 39, page 2, after the word ''drawn'' insert the words ''or from the holder thereof.''

Line 40, page 2, after the word ''dishonor'' use a period instead of a comma and strike out the word ''and.''

Strike out lines 41, 42, 43, 44, 45 46 and 47 on pages 2 and 3 and insert the following, which is amendment No. 2 hereto attached, viz.:

''Providing however that past dated checks drafts or orders shall be subject to the provisions of this act and shall not escape the penalties hereof provided the giver of same still lives at date of maturity of such checks, drafts or orders.''

Said amendments as offered by the Committee were then agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, it was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. B. Ardery	R. E. Glenn	B. T. Morris
W. O. Bach	F. A. Gnau	L. P. Murphy
A. J. Baldridge	Whitsett Hall	Chas. N. McCarty
J. H. Baughman	Lawrence Harmon	J. L. McDavid
T. H. Benton	J. F. Harrison	F. T. Nichols
Shaler Berry	C. W. Hawkins	Caleb Page
C. H. Berryman	J. M. Hayse	Smith Park
W. P. Bowman	H. M. Holbrook	J. J. Patterson
D. F. Brown	H. B. Holland	Jas. J. Peters
Geo. A. Brown	Ira L. Horne	Geo. W. Potter
F. W. Bryant	E. M. Johnson	W. H. Pryor
J. R. Buckman	Grover C. Johnson	Clint Raymer
W. G. Buckner	W. W. Johnson	R. R. Rogers
S. J. Bunger	D. C. Jones	C. W. Ryans
W. A. Carson	Mrs. H. G. Jorris	Chas. L. Seale
Lonnie Cooper	W. O. Keller	W. R. Smith
J. D. Cox	J. R. Kelly	E. J. Snyder
J. S. Cruse	Thos. H. King	Frank L. Strange
J. L. Cushing	Oscar Leibson	J. G. Swearengin
C. L. Daly	W. W. Leslie	Mac Swinford
Mormon B. Daniel	Leon P. Lewis	J. L. Valandingham
J. R. Dorman	J. L. Manning	Chiles Van Antwerp
E. J. Doss	Joe Martin	C. D. Vincent
James M. Durham	A. M. Mercer	W. S. Wallen
D. E. Edwards	H. H. Miller	T. B. Watts
J. O. Evans	J. S. Milliken	
D. W. Fowler	T. R. Moore	

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Resolved that the title thereof be as aforesaid.

Mr. McDavid moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the orders of the day, a bill entitled:

H. B. 89. An Act repealing and re-enacting Section 1164, Kentucky Statutes, pertaining to store robbing and etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 1164, Kentucky Statutes, Carroll's Edition, 1922, be and the same is hereby repealed, and the following is enacted in lieu thereof.

§ 2. Breaking Warehouse, Storehouse, Office or Room on Boat, in Night Time or Day.—If any person shall feloniously, in the night or day, break any warehouse, storehouse, office shop or room, in a steam, wharf or other boat, whether such place be or be not a depository for goods, wares or merchandise, and whether the goods, wares and merchandise be or be not exposed for sale in such place, with intent to steal, or shall feloniously take therefrom or destroy any goods, wares or merchandise, or other thing of value, whether the owner or other person be or be not in such house, office, room or shop, he shall be confined in the penitentiary not less than five nor more than ten years.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only, and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	W. O. Bach	C. H. Berryman
W. B. Ardery	A. J. Baldridge	W. P. Bowman
Wm. J. Arvin	Shaler Berry	D. F. Brown

F. W. Bryant
W. G. Buckner
S. J. Bunger
W. A. Carson
C. B. Carver
Lonnie Cooper
J. D. Cox
J. S. Cruse
J. L. Cushing
C. L. Daly
Mormon B. Daniel
J. R. Dorman
E. J. Doss
James M. Durham
D. E. Edwards
J. O. Evans
D. W. Fowler
R. E. Glenn
F. A. Gnau
Lawrence Harmon
J. F. Harrison
C. W. Hawkins
H. M. Holbrook
H. B. Holland
E. M. Johnson
Grover C. Johnson
W. W. Johnson
D. C. Jones
Mrs. H. G. Jorris
W. O. Keller
J. R. Kelly
Thos. H. King
Leon P. Lewis
J. L. Manning
A. M. Mercer
H. H. Miller
J. S. Milliken
T. R. Moore
B. T. Morris
L. P. Murphy
Chas. N. McCarty
J. L. McDavid
F. T. Nichols
Caleb Page
Smith Park
J. J. Patterson
Jas. J. Peters
Geo. W. Potter
W. H. Pryor
Clint Raymer
R. R. Rogers
Philip J. Ryan
C. W. Ryans
M. G. Slusher
W. R. Smith
E. J. Snyder
Frank L. Strange
J. G. Swearengin
Mac Swinford
J. L. Valandingham
Chiles Van Antwerp
C. D. Vincent
W. S. Wallen
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There voted in the negative—

Oscar Leibson —1

Resolved that the title thereof be as aforesaid.

Mr. McDavid moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The Committee on Compensation for Industrial Injuries to which same had been recommitted with leave to report at any time, reported a bill entitled:

H. B. 316. An Act to amend Sections 4, 12, 16 and 18 of Chapter 33 of the Acts of the General Assembly of Kentucky

of 1916 entitled "An Act to provide an elective system of Workmen's Compensation for industrial accidents" and the same Act as amended by Chapter 176 of the Acts of the General Assembly of Kentucky for the year 1918, and the same act as amended by chapter 37 of the Acts of the General Assembly of Kentucky for the year 1920, and the same Act as amended by Chapter 50 of the Acts of the General Assembly of Kentucky for the year 1922, and the same Act as amended by chapter 70 of the Acts of the General Assembly for the year 1924, said Sections to be amended are 4883, 4893, 4897 and 4899, Carroll's Statutes of Kentucky.

Together with Committee amendments thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 4 of Chapter 33 of the Acts of the General Assembly of the Commonwealth of Kentucky of the year 1916, as amended by Chapter 37, of the Acts of the General Assembly of Kentucky of 1920, be amended by striking out the words "one hundred dollars," as now appearing in said section, and inserting in lieu thereof the words "two hundred and fifty dollars" and by striking out the words "two hundred dollars," as now appearing in said section and inserting in lieu thereof the words "three hundred dollars," so that said section when so amended shall read as follows:

"In addition to all other compensation herein provided, such medical, surgical and hospital treatment including nursing, medical and surgical supplies and appliances, as may reasonably be required at the time of the injury and thereafter during disability, but not exceeding ninety days nor exceeding a total expense to the employer of more than two hundred and fifty dollars on account of the benefits provided by this section, unless the board shall, by order made within

that time, direct an extension of said period of treatment or direct an extension of said limit of expense to not exceeding three hundred dollars, to cure and relieve from the effects of the injury shall be furnished by the employer, and in case of his refusal or neglect reasonably to do so the employer shall be liable for the reasonable expense, within the limits of this section, incurred by or on behalf of the employee in providing the same. In the event of an emergency the employee shall have the right to call in any available physician or surgeon to administer such first aid as may be reasonably necessary at the expense of the employer within the limits of this section."

§ 2. That section twelve of said act be amended by striking out the words "seventy-five dollars," now appearing in said section and inserting in lieu thereof the words "one hundred and fifty dollars," and by striking out the words "twelve dollars," now appearing in said section and inserting in lieu thereof the words "twenty-four dollars," and by striking out the words "five dollars," now appearing in said section and inserting in lieu thereof the words "ten dollars," so that said section when so amended shall read as follows:

"If death results within two years from an accident for which compensation is payable under this act, the employer or his insurer shall pay to the persons entitled to compensation, or if none, then to the personal representative of the deceased employee, reasonable burial expenses of a person of the standard of living of the deceased, not to exceed the sum of one hundred and fifty dollars, and shall also pay to or for the following persons compensation as follows, to-wit:

(1) If there are no dependents, as herein defined, there shall be paid in addition to the burial expenses and medical expenses, if any otherwise provided for herein, the further sum of one hundred dollars, payment to be made to the personal representative of the deceased employee.

(2) If there are one or more wholly dependent persons, sixty-five per cent of the average weekly earnings of the de-

ceased enmployee, but not to exceed twenty-four dollars nor less than ten dollars per week shall be payable, all such payments to be made for the period between the date of death and 335 weeks after the date of accident to the employee, or until the intervening termination of dependency, but in no case to exceed the maximum sum of four thousand dollars.

(3) If there are partly dependent persons the payments shall be such part of what would be payable for total dependency as the partial dependecy existing at the time of the accident to the employee may be proportionate to total dependency, all such payments to be made for the period between the date of death and 335 weeks after the date of the accident to the deceased employee, or until the intervening termination of dependency, but in no case to exceed in the aggregate of compensation on account of such death the maximum sum of four thousand dollars.

Partial dependency shall be determined by the proportion of the earnings of the employee which have been contributed to such partial dependent during one year next preceding the date of injury; if the relation of partial dependency shall not have existed for one year next preceding the date of injury, the board shall consider all the facts and circumstances and fix such proportion as may be fair and reasonable thereunder.

(4) All relations of dependency herein referred to shall be construed to mean dependency existing at the time of accident to the employee."

§ 3. That section 16 of said Act as amended by Chapter 176 of the Acts of the General Assembly of Kentucky of 1918, and as further amended by Chapter 37 of the Acts of the General Assembly of Kentucky of 1920, be amended by striking out the words "fifteen dollars," now appearing in said section, and by adding in lieu thereof the words "thirty dollars," and by striking out the words "five dollars," now appearing in said section and by inserting in lieu thereof the

words "ten dollars," so that said section when so amended shall read as follows, to-wit:

"When the injury causes total disability for work, the employer, during such disability, except the first seven days thereof, shall pay the employee so injured a weekly compensation equal to sixty-five per cent of his average weekly earnings, not to exceed thirty dollars nor less than ten dollars per week, such payments to be made during the period of total disability but not longer than eight years after the date of the injury, nor in any case to exceed a maximum sum of six thousand dollars. In case the period of total disability begins after a period of partial disability, the period of partial disability shall be deducted from the total period of eight years during which compensation for total disability may be payable, and the payments made on account of such partial disability shall be deducted from the maximum of six thousand dollars. In case of the following injuries the disability shall be deemed total and permanent, to-wit:

1. The total and permanent loss of sight in both eyes.
2. The loss of both feet at or above the ankle.
3. The loss of both hands at or above the wrist.
4. A similar loss of one hand and one foot.
5. An injury to the spine, resulting in permanent and complete paralysis of both arms or both legs, and of one arm and one leg.
6. An injury to the skull resulting in incurable insanity or imbecility.

The above enumeration is not to be taken as exclusive, but in all other cases the burden of proof shall be on the claimant to prove that his injuries have resulted in permanent total disability."

§ 4. That section 18 of said Act be amended by striking out of the first paragraph of said section the words "five dollars" and inserting in lieu thereof the words "ten dollars," and by striking out of said paragraph of said section the words "twelve dollars" and inserting in lieu thereof the

words "twenty-four dollars," and by striking out of the last paragraph of said section the words "five dollars" and inserting in lieu thereof the words "ten dollars," and by striking out of said last paragraph of said section the words "twenty-four dollars," so that said section when so amended shall read as follows, to-wit:

"For injuries enumerated in the following schedule the employee shall receive in lieu of all other compensation, except such as may be payable under sections 4 and 5 hereof, a weekly compensation equal to sixty-five per cent. of the average weekly earnings, but not less than ten dollars per week nor exceeding twenty-four dollars per week for the respective periods stated thereon, to-wit:

"For the loss of a thumb, 65% of the average weekly wages during 60 weeks.

"For the loss of a first finger commonly called the index finger, 65% of the average weekly wages during 45 weeks.

"For the loss of a second finger 65% of the average weekly wages during 30 weeks.

"For the loss of a third finger 65% of the average weekly wages during 20 weeks.

"For the loss of a fourth finger, commonly known as the little finger, 65% of the average weekly wages during 15 weeks.

"The loss of the second, or distal phalange, of the thumb shall be considered to be equal to the loss of one-half of such thumb; the loss of more than one-half of such thumb shall be considered to be equal to the loss of the whole thumb.

"The loss of the third, or distal phalange of any finger, shall be considered to be equal to the loss of one-third of such finger.

"The loss of the middle, or second phalange, of any finger, shall be considered to be equal to the loss of two-thirds of such finger.

"The loss of more than the middle and distal phalanges of any finger shall be considered to be equal to the loss of the

whole finger; provided, however, that in no case will the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.

"For the loss of a metacarpal bone (bone of the palm) for the corresponding thumb, finger or fingers above, add ten weeks to the number of weeks as above.

"For ankylosis (total stiffness of) or contractures (due to sears or injuries) which make the fingers more than useless, the same number of weeks apply to such finger or fingers (not thumb) as given above.

"For the loss of a hand 65% of the average weekly wages during one hundred and fifty weeks.

"For the loss of an arm 65% of the average weekly wages during two hundred weeks.

"For the loss of one of the toes, other than the great toe, 65% of the average weekly wages during 10 weeks.

"For the loss of the great toe, 65% of the average weekly wages during 30 weeks.

"The loss of more than two-thirds of any toe shall be considered equal to the loss of the whole toe.

"The loss of less than two-thirds of any toe shall be considered to be equal to the loss of one-half toe. For the loss of a foot, 65% of the average weekly wages during 125 weeks.

"For the loss of a leg, 65% of the average weekly wages during 200 weeks, or the total and permanent loss of the sight of an eye, 65% of the average weekly wages during one hundred weeks.

"In all other cases of permanent partial disability, including any disfigurement which will impair the future usefulness or occupational opportunities of the injured employee, compensation shall be determined according to the percentage of disability, taking into account, among other things, any previous disability, the nature of the physical injury or disfigurement, the occupation of the injured employee and age at the time of injury; the compensation paid therefor shall be

65% of the average weekly earnings of the employee, but not less than ten dollars nor more than twenty-four dollars, multiplied by the percentage of disability caused by the injury, for such period as the board may determine not exceeding 335 weeks nor a maximum sum of $4,000. Whenever the weekly payments under this paragraph would be less than $3 per week, the period may be shortened and the payments correspondingly increased to that amount. Where compensation, except as provided in sections four and five of this act, is paid under any other provision of this act the period during which such other compensation is paid and the amount thereof shall be deducted respectively from the maximum period and maximum amount which may be paid under this paragraph."

Said amendments as offered by the Committee are as follows, viz.:

Amend H. B. 316 by striking out after the word and figures "1920" in line 4 of the original bill and beginning with the word "be" inclusive, all the words which follow to the words and figures "$300.00" inclusive, in line 10 thereof, and insert in lieu thereof said words so stricken these words:

"Be amended by striking out the words '$200.00' as now appearing in said section and inserting in lieu thereof the words '$400.00'."

Amend H. B. 316 by striking out the words "$250.00" in section 1, page 2, lines 7 and 8 of the original bill and inserting in lieu thereof the words and figures "$100.00," and by striking out the words and figures "$300.00" in section 1, line 12, page 2 of the original bill and inserting in lieu thereof the words and figures "$400.00."

Said amendments as offered by the Committee were agreed to.

Mr. Gnau offered the following amendment to said bill, viz.:

Amend H. B. 316 by striking therefrom the words and figures "$10.00" wherever they appear as the minimum of average weekly wages and insert in lieu thereof the words and figures "$6.00."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. B. Ardery	J. S. Cruse	C. W. Hawkins
W. O. Bach	W. J. Curtis	H. M. Holbrook
A. J. Baldridge	J. L. Cushing	H. B. Holland
T. H. Benton	C. L. Daly	J. C. Hutcherson
Shaler Berry	Mormon B. Daniel	Grover C. Johnson
C. H. Berryman	J. R. Dorman	W. W. Johnson
W. P. Bowman	E. J. Doss	Mrs. H. G. Jorris
D. F. Brown	James M. Durham	W. O. Keller
F. W. Bryant	D. E. Edwards	J. R. Kelly
J. R. Buckman	J. O. Evans	Thos. H. King
W. G. Buckner	D. W. Fowler	W. W. Leslie
S. J. Bunger	R. E. Glenn	Leon P. Lewis
W. A. Carson	F. A. Gnau	J. L. Manning
C. B. Carver	Whitsett Hall	Joe Martin
Lonnie Cooper	Lawrence Harmon	Shelby Martin
J. D. Cox	J. F. Harrison	H. J. Meyers

J. S. Milliken	H. A. Pulliam	J. G. Swearengin
T. R. Moore	R. R. Rogers	Mac Swinford
Chas. N. McCarty	Philip J. Ryan	J. L. Valandingham
W. J. McGill	C. W. Ryans	C. D. Vincent
F. T. Nichols	Chas. L. Seale	W. S. Wallen
Caleb Page	M. G. Slusher	T. B. Watts
Geo. W. Potter	W. R. Smith	
W. H. Pryor	E. J. Snyder	

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Those who voted in the negative were—

D. C. Jones	H. H. Miller	J. L. McDavid
Oscar Leibson	B. T. Morris	Chiles Van Antwerp

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Resolved that the title thereof be as aforesaid.

Mr. Gnau moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 150. An Act to amend and re-enact Section 1169 of the Kentucky Statutes, Edition of John D. Carroll, of 1915, relating to the burning of warehouse, barn, other house or personal property, by inserting therein the words "or stock of goods, wares, or merchandise, or household goods or any article of personal property," and the word "automobile."

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 1169 of the Kentucky Statutes, John D. Carroll's Edition of 1915, be amended and re-enacted by inserting therein after the words wheat or other grain, the words, or stock of goods, wares, or merchandise, or household goods or any article of personal property, and by inserting after the words buggy or carriage, the word automobile, so that said section, when amended, shall read as follows:

Section 1169. Burning Warehouse, Barn, Other House or Personal Property.—If any person shall willfully and unlawfully burn a powder house, tobacco house, warehouse, storehouse, stable, barn, or any house or place where wheat, corn, or other grain, grass, fodder, hemp, cotton, wool, fruit, ice, hay, or straw is usually kept, or any other house whatever; or any stack, rick or shock of hay, fodder, flax, hemp, cotton, straw or grain; or pile of lumber, planks, rails, posts, hoop-poles, shingles, boards, spoke timber, stave timber, cross-ties, boat gunwales, cordwood, or other timber or wood prepared for any purpose of use or sale; or pile of tanbark, wheat or other grain; or stock of goods, wares or merchandise, or household goods or any article of personal property, or any bridge or causeway upon a street, public highway or private passway, railroad, turnpike, plank or other road, or canal, river or other water; or steam saw or grist mill, water grist or sawmill, or other mill or factory, gas, coal, oil, iron or water works, rolling mill, railroad car, stillhouse, engine, wagon, buggy or carriage or automobile, threshing machine, mowing or reaping machine, steamboat, or other water craft or vessel; or dwelling house or other building, or house upon which there is any insurance or lien, he shall be confined in the penitentiary less than one nor more than six years.

Mr. Glenn offered the following amendment to said bill, viz.:

Amend H. B. 150, line 22 of the printed bill by adding after the word "automobile" the word "aeroplane."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. B. Ardery	E. J. Doss	Shelby Martin
Wm. J. Arvin	James M. Durham	H. J. Meyers
W. O. Bach	D. E. Edwards	H. H. Miller
A. J. Baldridge	J. O. Evans	J. S. Milliken
J. H. Baughman	D. W. Fowler	B. T. Morris
T. H. Benton	Otto C. Gartin	L. P. Murphy
Shaler Berry	R. E. Glenn	Chas. N. McCarty
C. H. Berryman	F. A. Gnau	J. L. McDavid
W. P. Bowman	Whitsett Hall	W. J. McGill
D. F. Brown	Lawrence Harmon	Caleb Page
Geo. A. Brown	J. F. Harrison	Smith Park
F. W. Bryant	C. W. Hawkins	Jas. J. Peters
J. R. Buckman	H. M. Holbrook	Geo. W. Potter
W. G. Buckner	H. B. Holland	W. H. Pryor
S. J. Bunger	Ira L. Horne	H. A. Pulliam
W. A. Carson	J. C. Hutcherson	Clint Raymer
C. B. Carver	E. M. Johnson	R. R. Rogers
Lonnie Cooper	Grover C. Johnson	Philip J. Ryan
J. D. Cox	W. W. Johnson	C. W. Ryans
J. S. Cruse	Mrs. H. G. Jorris	M. G. Slusher
W. J. Curtis	J. R. Kelly	W. R. Smith
J. L. Cushing	Thos. H. King	E. J. Snyder
C. L. Daly	W. W. Leslie	J. G. Swearengin
Mormon B. Daniel	Leon P. Lewis	Mac Swinford
J. R. Dorman	J. L. Manning	J. L. Valandingham

Chiles Van Antwerp W. S. Wallen
C. D. Vincent T. B. Watts

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Mr. Glenn offered the following amendment to the title of said bill, viz.:

Amend the title to H. B. 150 by adding after the word "automobile" in the last line thereof, the word "or aeroplane."

Said amendment was agreed to.

Resolved that the title thereof be as amended.

Mr. Glenn moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that the rules be suspended and that the House take up for consideration from the Calendar, a bill entitled:

H. B. 533. An Act to repeal Section 201e-8 of Kentucky Statutes, Carroll's Sixth Edition 1922, relating to free passes.

Ordered that said bill be read the second time.

The Constitutional provision as to the second reading of said bill at length being dispensed with, said bill was read the second time by its title only.

Ordered that said bill be placed in the Orders of the Day.

Mr. H. B. Holland of the Committee on Enrollment reported that they had examined and found to be correctly enrolled, a bill of the following title, viz.:

H. B. 2. A bill to provide money for the maintenance and furnishing of a county hospital, in counties having a city of the fifth class; and, in which there is established in such county, a community hospital; that is, a non-dividend paying hospital, constructed by donations, or endowment fund.

Thereupon all other business was suspended, said bill was read at length and compared in open session and found to be correctly enrolled.

Thereupon the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that the Enrolling Clerk of this House deliver said bill to the Senate.

After a time the Enrolling Clerk of this House delivered the original and enrolled copies of said bill, duly signed by the President of the Senate, into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bill to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

Mr. Pryor moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

THURSDAY, FEBRUARY 25, 1926.

The House was opened with prayer by the Reverend W. P. Fryman of the Methodist Episcopal Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

Lewis Allen	D. E. Edwards	H. J. Meyers
W. B. Ardery	J. O. Evans	H. H. Miller
Wm. J. Arvin	D. W. Fowler	J. S. Milliken
W. O. Bach	Otto C. Gartin	T. R. Moore
A. J. Baldridge	R. E. Glenn	B. T. Morris
J. H. Baughman	F. A. Gnau	L. P. Murphy
L. D. Bax	Whitsett Hall	Chas. N. McCarty
T. H. Benton	Lawrence Harmon	J. L. McDavid
Shaler Berry	J. F. Harrison	W. J. McGill
C. H. Berryman	C. W. Hawkins	F. T. Nichols
W. P. Bowman	J. M. Hayse	Smith Park
D. F. Brown	H. M. Holbrook	J. J. Patterson
Geo. A. Brown	H. B. Holland	Geo. W. Potter
F. W. Bryant	S. K. Holland	H. A. Pulliam
J. R. Buckman	Ira L. Horne	Clint Raymer
W. G. Buckner	J. C. Hutcherson	R. R. Rogers
S. J. Bunger	E. M. Johnson	Philip J. Ryan
W. A. Carson	Grover C. Johnson	C. W. Ryans
C. B. Carver	W. W. Johnson	Chas. L. Seale
Lonnie Cooper	D. C. Jones	M. G. Slusher
Fred H. Coots	Mrs. H. G. Jorris	W. R. Smith
J. D. Cox	W. O. Keller	E. J. Snyder
J. S. Cruse	J. R. Kelly	J. G. Swearengin
W. J. Curtis	Thos. H. King	Mac Swinford
J. L. Cushing	Oscar Leibson	J. L. Valandingham
C. L. Daly	W. W. Leslie	Chiles Van Antwerp
Mormon B. Daniel	Leon P. Lewis	C. D. Vincent
J. R. Dorman	J. L. Manning	W. S. Wallen
E. J. Doss	Joe Martin	T. B. Watts
James M. Durham	Shelby Martin	

The reading of the Journal of yesterday's proceedings was dispensed with.

A message was received from the Senate announcing they had passed bills and resolutions which originated in that body, of the following titles, viz.:

1. S. B. 2. An Act providing for the protection and assistance of aged needy persons in the Commonwealth of Kentucky and allowing the counties to adopt the provisions of this act prescribing penalties for violation of the provisions hereof.

2. S. B. 181. An Act to amend and re-enact Chapter 72 of the Acts of the General Assembly of 1922, entitled "An Act to promote the production of better eggs in Kentucky by regulating the traffic in eggs, to prevent fraud and misrepresentation in dealing in eggs, to prevent the sale of eggs unfit for human food, and to fix penalties for violation of the provision" by designating methods and means of enforcement and regulation.

3. S. Res. 23. Joint resolution relative to the Clinchfield Railway Lease, Finance Docket 5322 of the Interstate Commerce Commission, Washington, D. C.

Said bills and resolution were ordered printed and referred as follows, viz.:

1. To Committee on Kentucky Statutes.

2. To Committee on Agriculture.

3. To Committee on Kentucky Statutes.

And that they had passed bills which originated in this House of the following titles, viz.:

H. B. 51. An Act relating to the qualification of members and officers of the police force in cities of the first class, and repealing Chapter 84 of the Acts of the General Assembly of 1924.

H. B. 19. An Act to amend and re-enact Section 2260, Kentucky Statutes, 1922 Edition, in relation to compensation of petit jurors in circuit and inferior courts.

Together with an amendment to H. B. 19 as follows, viz.:

Amend H. B. 19 by striking out "1922" where said figures occur and insert in lieu thereof, the figures "1915."

Said amendment was concurred in by the House.

Said bill, as amended, was then passed.

Ordered that said bills, last above referred to, be delivered to the Enrolling Clerk of this House.

In the absence of the regularly elected Sergeant-at-Arms, Major C. W. Longmire, the Speaker appointed the Hon. Chas. D. Arnett, as acting Sergeant-at-Arms of this House, during the absence of the regular Sergeant-at-Arms.

Mr. Pulliam of the Committee hertofore appointed by the Speaker to draft resolutions on the death of former member of this House, the Hon. C. C. Givens, offered the following resolution, viz.:

The 1926 General Assembly of the Commonwealth of Kentucky, has lost one of its most useful members in the death on Sunday morning, February 21, 1926, of Judge C. C. Givens, the Representatives from Hopkins county.

In the short period of time during which he had come in contact with his fellow-members, Judge Givens had developed many warm friendships and his personal qualities coupled with his natural gifts and ripe experience gave him a position of unusual influence in this body.

Stricken while devoting his ebbing energies to a speech in which his sincerity and mental vigor had impressed this

Assembly, he carried his zeal to his sick bed and was finally called from his earthly task, after an illness of two weeks.

A man whose life was largely devoted to alleviating economic, political and social oppression, always the representative of the weak, he chose to place the talents, with which he was abundantly endowed in the service of his community and State.

This House, therefore, makes this record of its profound sorrow in the death of a beloved fellow-member and its recognition of the loss to the Commonwealth of the services of one who was at the same time an able servant and a true patriot.

We further express to the bereaved family our heartfelt sympathy.

Said resolution was adopted.

On behalf of the Louisville Automobile Club, Mr. Pulliam offered the following resolution, viz.:

Whereas, The Executive Board of the Louisville Automobile Club has heard with deep regret of the death of Judge C. C. Givens of Madisonville, a member of the Kentucky House of Represenetatives, and,

Whereas, Judge Givens was a man of great courage, deeply interested in the welfare of Kentucky; a road builder and a crusader in behalf of improved highways, and

Whereas, His last act as a member of the Legislature was a sincere and eloquent plea on behalf of a measure which he regarded as a partial solution to Kentucky's road problems, therefore,

Be it Resolved, That in the opinion of the Executive Board of the Louisville Automobile Club, the death of Judge Givens means the loss to Kentucky of a noble citizen who had the welfare of the State at heart, and,

Be it Further Resolved, That the Board express its deepest sympathy to the widow and children and to the people of Hopkins county, and,

Be it Further Resolved, That these resolutions be spread on the minutes of the Board and that copies be sent to the widow, to the Speaker of the Kentucky House of Representatives and to the newspapers of Louisville and Madisonville, and that they be published in the March issue of the Automobile Bulletin.

Said resolution was adopted.

Upon a call of the Counties and Legislative Districts, the following bills were introduced, ordered printed and referred as follows, viz.:

By Mr. Lee Clark:

H. B. 560. An Act relating to revenue and taxation; providing for the repeal, amendment and re-enactment of Section 4102 of Kentucky Statutes, Carroll's 1915 Edition, relating to the taxation of the property of railroads and bridge companies; and repealing existing statutes.

To Committee on Revenue and Taxation No. 1.

By Mr. McCarty:

H. B. 561. An Act to establish a new State primary road project beginning at Falmouth, the county seat of Pendleton county, and extending to Lennoxburg by way of Wampum, approximately eight miles.

To Committee on Roads and Highways No. 2.

By same:

H. B. 562. An Act to establish a new State Primary Road Project, beginning at Morris, in Bracken County, Kentucky, on State Project 57, and running via Johnsville to Bradford Post Office on the C. & O. Railroad and State Project 106.

To Committee on Roads and Highways No. 2.

By Mrs. Jorris:

H. B. 563. An Act creating a new State Primary Road Project leading from Liberty, in Casey county, to Compbellsville, in Taylor County, Kentucky.

To Committee on Roads and Highways No. 2.

By Mr. Raymer:

H. B. 564. An Act relating to roads and highways, placing on primary system, Rochester by Morgantown to Caneyville.

To Committee on Roads and Highways No. 2.

By same:

H. B. 565. An Act relating to roads and highways.

To Committee on Roads and Highways No. 2.

By Mr. Daniel:

H. B. 566. An Act to amend the Constitution of Kentucky relating to elections.

To Committee on Constitutional Amendments.

By Mr. Moore:

H. B. 567. An Act to amend and re-enact Sections 201c-1, 201c-2, 201c-4, 5, 6, 7, 8, 9, and 10 Kentucky Statutes, Carroll's Edition, regulating the issual or giving of any free pass by common carrier of passengers in this State, except as provided in said act.

To Committee on Railroads.

By Mr. Pryor:

H. B. 568. An Act establishing and making the road leading from Leitchfield, in Grayson County, by way of Blue Knob and Holly, to Evileigh, a part of the primary system of the State highways of the Commonwealth of Kentucky, and designating the said road as Project —.

To Committee on Roads and Highways No. 2.

By Mr. H. B. Holland:

H. B. 569. An Act establishing and making the road from Wickliffe via Blandville, Lovelaceville, Symsonia and Benton to Eggner's Ferry a part of the primary system of State highways of the Commonwealth of Kentucky.

To Committee on Roads and Highways No. 2.

By Mr. Edwards:

H. B. 570. An Act concerning the drainage and reclamation of land and authorizing the maintenance of ditches, by labor by the landowners thereon.

To Committee on Public Ditches.

By Mr. Jones:

H. B. 571. An Act to create the 38th Judicial District and to change the 26th and 34th Judicial Districts, and to fix the time of holding court therein.

To Committee on Circuit Courts.

By Mr. Drury:

H. B. 572. An Act to amend an act entitled "An Act relating to roads and bridges," being Chapter 17 of the Acts of the General Assembly for the year 1920.

To Committee on Roads and Highways No. 2.

By Mr. Berryman:

H. B. 573. An Act to change the name of the State Institution for the Feeble-Minded to "The State Custodial Home."

To Committee on Charitable Institutions.

By same:

H. B. 574. An Act to change the name of the Houses of Reform for Boys and the name of the House of Reform for Girls.

To Committee on Charitable Institutions.

Mr. Fowler moved that the session of today be extended indefinitely.

Said motion was agreed to.

Mr. Potter moved that when the hour of twelve o'clock Meridian arrived today, this House do then recess until one o'clock P. M.

Said motion was agreed to.

Mr. Daniel moved that the privileges of the floor be extended to Hon. Flavius B. Martin, Commonwealth's Attorney from the First District.

Said motion was agreed to.

The hour of eleven o'clock having arrived, that being the hour for the Special Order of the Day, the House took up for consideration from the Orders of the Day, said Special Order, to-wit:

H. B. 123. An Act to provide for the establishment of a State Normal School for the training of white elementary teachers for the rural schools, and appropriating money for the maintenance thereof.

Said bill is as follows, viz.:

An Act to provide for the establishment of a State Normal School for the training of white elementary teachers for the rural schools, and appropriating money for the maintenance thereof.

Whereas, one of the greatest educational needs of the state is trained teachers for the rural schools, and,

Whereas, this need is most imperative in the eastern part of the state, in the mountains, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a commission is hereby created, to be known as the Kentucky State Normal School Commission, consisting of

five members who are citizens of the state of Kentucky and over the age of twenty-one years, to be appointed by the Governor of the Commonwealth of Kentucky, which commission is hereby authorized and empowered to establish a new State Normal School for the training of white elementary teachers, to be located and established in the eastern part of the state, in the Big Sandy Valley.

§ 2. The said Kentucky State Normal School Commission is hereby authorized to receive gifts of lands, buildings, equipment, money or other property for the establishment of said school.

§ 3. Upon the location and establishment of said normal school, the said Kentucky State Normal School Commission shall report its acts to the State Board of Education, and the management and control of said school shall be and is hereby vested in the State Board of Education.

§ 4. There is hereby appropriated, out of the general funds of the state, for maintenance and operation of said school, the sum of thirty thousand dollars annually. The Auditor of the Commonwealth is directed to draw his warrants for said sums, above appropriated, upon requisitions signed by the chairman and secretary of the State Board of Education. Provided, that the above appropriation for maintenance and operation shall not become available for said normal school until the said Kentucky State Normal School Commission has received for said school gifts of lands, buildings or equipment suitable to the purposes of said school, or gifts of money or other property, the amount of either of them received, shall be at least one hundred thousand dollars.

§ 5. Whereas, the need for the school herein provided is so great and that said school ought to be established in time to begin the school term for September, 1926, an emergency is hereby declared to exist and that this bill shall become a law as soon as signed by the Governor.

Mr. Wallen offered the following amendment to said bill, viz.:

Amend H. B. 123 by striking out the word "five" in line two of Section 1 of page 1 of the printed bill and inserting in lieu thereof the word "seven."

Said amendment was agreed to.

Mr. Pulliam offered the following amendment to said bill, viz.:

Amend H. B. 123 by adding to section 1 the following "provided, that the new Normal School shall be at a distance of not less than 50 miles of any other State Normal School."

Said amendment was disagreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. J. Arvin	F. W. Bryant	J. L. Cushing
A. J. Baldridge	W. G. Buckner	C. L. Daly
T. H. Benton	W. A. Carson	J. R. Dorman
C. H. Berryman	Lee Clark	James M. Durham
W. P. Bowman	Lonnie Cooper	D. W. Fowler
D. F. Brown	J. S. Cruse	Otto C. Gartin

R. E. Glenn	W. W. Leslie	Geo. W. Potter
F. A. Gnau	Leon P. Lewis	H. A. Pulliam
Lawrence Harmon	J. L. Manning	R. R. Rogers
C. W. Hawkins	Joe Martin	Philip J. Ryan
J. M. Hayse	Shelby Martin	C. W. Ryans
H. M. Holbrook	A. M. Mercer	Chas. L. Seale
S. K. Holland	H. J. Meyers	M. G. Slusher
Ira L. Horne	H. H. Miller	W. R. Smith
Grover C. Johnson	J. S. Milliken	E. J. Snyder
W. W. Johnson	T. R. Moore	J. G. Swearengin
D. C. Jones	B. T. Morris	J. L. Valandingham
Mrs. H. G. Jorris	L. P. Murphy	C. D. Vincent
W. O. Keller	Chas. N. McCarty	W. S. Wallen
J. R. Kelly	J. L. McDavid	T. B. Watts
Thos. H. King	W. J. McGill	
Oscar Leibson	F. T. Nichols	

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Those who voted in the negative were—

W. O. Bach	J. D. Cox	J. C. Hutcherson
J. H. Baughman	Mormon B. Daniel	Caleb Page
Shaler Berry	E. J. Doss	J. J. Patterson
Geo. A. Brown	D. E. Edwards	Jas. J. Peters
J. R. Buckman	J. O. Evans	W. H. Pryor
S. J. Bunger	Whitsett Hall	Clint Raymer
C. B. Carver	J. F. Harrison	Mac Swinford
Fred H. Coots	H. B. Holland	Chiles Van Antwerp

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Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. H. B. Holland of the Committee on Enrollment, reported that they had examined and found to be correctly enrolled, bills of the following titles, viz.:

S. B. 18. An Act to amend Section 564 Kentucky Statutes, Carroll's Edition, 1915, relating to corporations.

S. B. 30. An Act to repeal Section 1 of Chapter 221 entitled "An Act relating to Courts of Justice, being Section 949, Kentucky Statutes, 1922 Edition.

S. B. 60. An Act to repeal an act approved March 20, 1914, being Chapter 73 of the Acts of 1914, and section 537b of Carroll's Kentucky Statutes, and in lieu thereof to re-enact same; providing for a Clerk and a stenographer for coroners in counties of more than 200,000 and fixing the powers, duties and salaries thereof.

Thereupon all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled.

Thereupon the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that said bills be delivered to the Enrolling Clerk of the Senate.

Mr. Cushing moved that the Rules be suspended and that the reports of Standing Committees be taken up for consideration and finished.

Said motion was agreed to.

The Committees to which same had been referred, reported bills of the following title, viz.:

By Mr. B. T. Morris of the Committee on Circuit Courts:

H. B. 525. An Act to amend Section 18 Kentucky Statutes, Carroll's 1922 Edition, relating to the duties of Commonwealth's Attorney.

By Mr. Meyers of the Committee on Criminal Law:

H. B. 312. An Act to repeal, re-enact, amend and extend Section 1309, Kentucky Statutes, Carroll's 1915 Edition, relating to carrying concealed upon or about one's person a deadly weapon other than an ordinary pocket knife. Requiring all owners of revolvers or pistols, except regular dealers engaged in the sale of the same, to register ownership and transfer with county court clerk in the county of their residence. Fixing fees for registration and transfer to be paid by owner; appropriating a portion of fees to county common school purposes; providing for the confiscation and destruction of pistols and revolvers; making it unlawful for any one to sell or lend to a minor a pistol or revolver and fixing penalties for violation thereof, and providing county judge may issue permits to carry concealed deadly weapons.

By Mr. Keller of the Committee on Education No. 1:

S. B. 102. An Act creating a State Text Book Commission to adopt for use in the public schools of Kentucky a uniform series of textbooks, defining the powers, qualifications and duties of said commission and its members, regulating the price, method of selection, sale and distribution of such textbooks, prescribing conditions to be complied with and penalties for the violation of the various provisions of this Act, and expressly repealing Chapter 13 of the Acts of the General Assembly of Kentucky of 1910, approved March 15, 1910, as amended by Chapter 11 of the Acts of 1914, approved March 10, 1914, as amended by Chapter 8 of the Acts of 1916, approved March 4, 1916, and as amended by Chapter 110 of the

Acts of 1918, approved March 29, 1918, said Acts of March 15, 1910, as thus finally amended now being Articles 5a and 5b of Chapter 113, (or Sections 4421a-1 to 4421a-30 inclusive and also Section 4421b-1 to 4421b-32 inclusive), of the Kentucky Statutes, Carroll's 1922 Edition.

The hour of twelve o'clock M. having arrived, the House recessed until one o'clock P. M.

The hour of one o'clock P. M. having arrived, the Speaker resumed the Chair and called the House to order.

The House resumed consideration of the unfinished business.

Mr. Carson of the Committee on Bond Issues, to which same had been referred, reported a bill of the following title, viz.:

H. B. 244. An Act to amend Section 21 of Chapter 80 Acts of Kentucky for the year 1914, approved March 23, 1914, being Section 4307 of Carroll's Kentucky Statutes, relating to the issue of road and bridge bonds by the Fiscal Courts.

By Mr. Arvin of the Committee on Executive Affairs:

H. B. 308. An Act to restrain any person from making slanderous, or malicious attacks against people or children of such people who have been united in marriage by any legally constituted authority.

Without an expression of opinion.

By Mr. Swinford of the Committee on Judiciary:

H. B. 506. An Act changing the name of Dolen, Perry County, Kentucky, to that of Combs, Perry County, Kentucky

By Mr. Ryan of the Committee on Kentucky Statutes:

H. B. 478. An Act making incurable insanity a ground for divorce.

H. B. 465. An Act providing for the creation and establishment of a State Board of Registration for Engineers and land surveyors, granting certain powers to and prescribing the duties of said Board; providing for examination and registration of engineers and land surveyors and providing penalties for violation of the provisions of this act.

With Committee amendments thereto.

H. B. 442. An Act to repeal and re-enact Section 4088 of Kentucky Statutes, Carroll's Edition of 1915, relating to revenue and taxation, defining duties of the Auditor of Public Accounts as to certification of franchise and tangible assessments of corporations liable to local taxation.

By Mr. Fowler of the Committee on Military Affairs:

H. B. 539. An Act to amend Chapter 43, page 436, Acts of the General Assembly of Kentucky 1916, being Section 2711a paragraph 126 of Kentucky Statutes relating to drills held by the Kentucky National Guard.

H. B. 538. An Act authorizing the Adjutant General of Kentucky to expend an amount of not exceeding Five Thousand ($5,000.00) Dollars for the purpose of publishing a book from the records file of that office of the officers and enlisted men from Kentucky, who answered the call of the President on June 16, 1916, for military services on the Mexican border.

By Mr. Potter of the Committee on Motor Transportation:

H. B. 237. An Act to repeal and re-enact Sections 2739g-1, 2739g-33, 2739g-39, 2739g-51, 2739g-65 and 2739g-65(b) Carroll's Kentucky Statutes, and being parts of Chapter 90, Acts of the session of 1920, beginning at page 415 in the session acts of 1920, and all relating to the subject of motor vehicles and their operation upon the public roads of the state; changing the lawful rates of speed and prohibiting the use of injurious vehicles on public highways.

With an amendment thereto by way of Substitute therefor.

By Mr. Van Antwerp of the Committee on Normal Schools.

H. B. 216. An Act relating to State Normal Schools and Teachers Colleges; providing for the granting of teachers' certificates upon credentials; enpowering Boards of Regents of State Normal Schools to confer certificates and degrees; repealing, amending and re-enacting Subsection (g) Chapter 55 and Section 10 of Chapter 60 of the Acts of the General Assembly of 1924.

By Mr. Dorman of the Committee on Roads and Highways No. 1:

H. B. 343. An Act pertaining to advertising and erection of bill boards upon and near public highways; the regulation thereof by the State Highway Commission; providing a license thereon and fixing penalties.

H. B. 502. An Act to repeal and re-enact Chapter 15, Acts of the General Assembly of 1922, approved March 20, 1922, and to provide for the elimination of grade crossings or change of existing overhead or underpass structures on the primary roads of the State; giving the State Highway Com-

mission the power to order the elimination of such crossings or change of such structures and the power to direct the character of crossings to be substituted therefor; and to provide for the method or manner of effecting such grade elimination or changes; providing for hearings on such orders; providing for a method of paying the cost incurred in the elimination of such crossings or change of structures; providing for appeal to the Franklin Circuit Court from such orders of the State Highway Commission and for appeal from the Franklin Circuit Court to the Court of Appeals; providing for maintenance of the substituted crossings; and providing for the mandatory process of the court to compel compliance with such orders; and declaring an emergency.

By Mr. Lewis of the Committee on Codes of Practice:

H. B. 301. An Act to amend Section 606, Subsection 1 of the civil code of practice relating to the competency of witness.

With an amendment thereto by way of substitute therefor.

H. B. 528. An Act to amend Section 490 of the Civil Code of Practice concerning the sale of real property and to authorize sales of real property in which one person or class of persons own a life estate and in which another person or class of persons own the remainder in fee simple.

With an amendment thereto by way of substitute therefor.

By Mr. Ryan of the Committee on Kentucky Statutes:

H. B. 292. An Act relating to the recording of deeds and mortgages securing indebtedness and requiring that

every such instrument shall disclose the maturity of the principal of such indebtedness, and imposing penalties.

With the expression of poinion that said bills ought to pass, with the exception of those above indicated.

Said bills were severally read at length the first time and ordered to be placed on the Calendar.

Mr. B. T. Morris of the Committee on Circuit Courts to which the same had been referred, reported a bill of the following title, viz:

H. B. 136. An Act to provide an adequate compensation for the Judges of the Circuit Courts of this Commonwealth.

With the expression of opinion that said bill ought not to pass.

No further action having been taken by the House and no motion having been made to advance said bill to a reading, the report of the Committee to the contrary notwithstanding, it was ordered that said bill be not read at length the first time, and so said bill was rejected.

Mr. B. T. Morris of the Committee on Circuit Courts to which same had been referred, reported a bill of the following title, viz:

H. B. 485. An Act creating the thirty-eighth Judicial District of Kentucky, fixing the time of holding courts thereof, providing for the appointment and election of a Circuit Judge and providing for a Commonwealth's Attorney therein; changing the sixth and eighth Judicial Districts of Kentucky so as to provide for said thirty-eighth District; providing for the appointment and election of a Commonwealth's Attorney

in said Eighth Judicial District; and fixing the time for holding the courts in the said Sixth, Eighth, and Thirty-eighth Judicial Districts.

With the expression of opinion that said bill ought not to pass..

Mr. Strange moved that said bill be read at length the first time and placed on the Calendar, the report of the Committee to the contrary notwithstanding.

Said motion was disagreed to.

Mr. Jones moved that the vote by which the House refused to read said bill at length the first time and placed on the Calendar, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Carson of the Committee on Bond Issues, to which the same had been referred, reported a bill of the following title, viz:

H. B. 419. An Act to amend Section 1763 of Carroll's Kentucky Statutes, 1925 Edition.

With the expression of opinion that said bill ought not to pass.

Mr. Hayse moved that said bill be read the first time at length and placed on the Calendar, the report of the Committee to the contrary notwithstanding.

Said motion was agreed to.

Thereupon said bill was read the first time at length and ordered to be placed on the Calendar.

Mr. Carson of the Committee on Bond Issues, also reported a bill of the following title, viz:

H. B. 420. An Act providing for the appointment of assistant Chief Deputy Sheriffs in counties having a city of the first class, and fixing their duties and compensation.

With the expression of opinion that said bill ought not to pass.

Mr. Hayse moved that said bill be read the first time at length and placed on the Calendar, the report of the Committee to the contrary notwithstanding.

Said motion was disagreed to.

Mr. Swinford moved that the vote by which the House refused to read said bill at length the first time and place said bill on the Calendar, be reconsidered and that said motion lie on the table.

Said last named motion was disagreed to.

Mr. Leibson moved that the vote by which the House refused to read said bill at length the first time be reconsidered.

Said motion was agreed to.

Mr. Hayse moved that said bill be read at length the first time and placed on the Calendar, the report of the Committee to the contrary notwithstanding.

Said motion was agreed to.

Thereupon said bill was read at length the first time and ordered to be placed on the Calendar.

Mr. H. B. Holland of the Committee on Enrollment, reported that they had examined and found to be correctly enrolled, bills of the following titles, viz.:

H. B. 19. An Act to amend and re-enact Section 2260, Kentucky Statutes, 1922 Edition, in relation to the compensation of petit jurors in circuit and inferior courts .

H. B. 117. An Act relating to revenue and taxation, fixing annual tax rates on unmanufactured agricultural products.

Thereupon all other business was suspended, said bills were read at length and compared in open session and were found to be correctly enrolled.

Thereupon the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that the Enrolling Clerk deliver said bills to the Senate.

After a time the Enrolling Clerk of this House delivered the original and enrolled copies of said bills, duly signed by the President of the Senate, into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bills to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

The House took up for consideration from the Calendar, bills of the following titles, viz.:

H. B. 395. An Act to appropriate sixty-five thousand ($65,000) dollars to the use of the Kentucky Branch of the National Congress of parents and teachers.

With Committee amendment thereto.

H. B. 470. An Act to amend Section 1321 Kentucky Statutes, Carroll's 1922 Edition.

With Committee amendments thereto.

H. B. 477. An Act for the benefit of Minnie Gruelle, whose husband G. C. Gruelle, lost his life while engaged in the performance of a public service, leaving the said Minnie Gruelle as his widow, and for the benefit of the three surviving infant children of G. C. Gruelle and his said wife, Minnie Gruelle.

H. B. 490. An Act to amend and re-enact Section 2282, Kentucky Statutes, relating to appointment of Trustee of the Jury Fund.

H. B. 493. An Act authorizing the County Judge of counties containing a city of the first class, to appoint a Trial Commissioner.

S. B. 17. An Act providing for reviewing judgments of Circuit Courts in penal actions and prosecutions for misdemeanors by the Court of Appeals and repealing all acts or parts of acts in conflict herewith.

H. B. 275. An Act to give to supersedeas bonds executed upon appeals to the Court of Appeals and upon appeals to the circuit court the force and effect of a judgment, and to provide a means of collection of certain costs, revenues, and fines and penalties due to the Commonwealth of Kentucky.

H. B. 119. An Act to amend and re-enact Section 2554d-2, Carroll's Kentucky Statutes, 1922 Edition, relating to reward for persons securing arrest and conviction of offenders in moonshine cases.

With a Committee amendment thereto by way of substitute therefor.

H. B. 253. An Act relating to County Superintendent of schools; providing for his qualifications and repealing all laws in canflict therewith.

S. B. 72. An Act to amend and re-enact Section 723, Kentucky Statutes.

H. B. 376. An Act authorizing any corporation organized under the laws of the State of Kentucky to insure for its benefit, the life of any of its directors, officers and employees, and to pay, and to continue to pay the premiums therefor.

H. B. 375. An Act providing that all policies of life insurance shall be incontestable after being in force for two years.

H. B. 330. An Act making it a misdemeanor and imposing a penalty on any county, district or state officer of this Commonwealth or on any person for releasing a prisoner from any county jail of the Commonwealth while confined under judgment of a court of the Commonwealth.

H. B. 353. An Act to repeal and re-enact Section 131 of the Kentucky Statutes, 1915 Edition, relating to the appointment and compensation of a county attorney pro tem, and providing that such compensation shall be deducted from the compensation to be paid to the county attorney.

H. B. 352. An Act to repeal and re-enact Section 120 of the Kentucky Statutes, 1915 Edition, relating to the appoint-

ment of a Commonwealth's attorney pro tem and providing for compensation so as to deduct the amount so allowed to a Commonwealth's Attorney pro tem from the compensation to be paid to the Commonwealth's Attorney.

H. B. 479. An Act requiring all public officials of a county, municipalities, or subdivisions less than a county whose duty it is to collect or to have the custody of public funds of such county, municipality or political subdivision, to make, publish and file annually an itemized sworn statement of all such funds received and disbursed by him during the fiscal year, except counties having therein a city of the first class; prescribing penalties for a violation thereof.

S. B. 92. An Act to amend and re-enact Section 1169 of the Kentucky Statutes, Edition of John D. Carroll of 1915, relating to the burning of warehouse, barn, other house or personal property, by inserting therein the words "or stock of goods, wares or merchandise, or household goods or any article of personal property," and the word "automobile."

H. B. 335. An Act in regard to wills,

H. B. 494. An Act to repeal Section 2118 of Kentucky Statutes.

H. B. 349. An Act to amend and re-enact Section 1962 of the Kentucky Statutes, Carroll's 1915 Edition, and repealing all acts, or parts of acts, in conflict therewith.

With Committee amendments thereto.

H. B. 300. An Act to authorize cities of the first, second, third and fourth class, to acquire water works and to issue bonds therefor, payable from the revenues of such works.

S. B. 79. City Government bill for cities of the first class.

H. B. 466. An Act increasing and fixing the salary of district detective to the commonwealth's attorney, and supervisor of parents, in counties in this Commonwealth containing a population of more than two hundred thousand.

H. B. 364. An Act providing for the construction and reconstruction of sidewalks and curbings along or over any boulevards, parkways, avenues, driveways or other public park property which are under the control of the Board of Park Commissioners in cities of the first class, providing the manner in which such construction and reconstruction shall be made under the supervision of the Board of Public Works, and prescribing the method by which the cost thereof shall be apportioned against contiguous property.

H. B. 365. An Act amending and re-enacting Section 2982, Kentucky Statutes, Carroll's Edition of 1922, being Section 197 of the Act approved July 1, 1893, entitled "An Act for the government of cities of the first class" as amended by Section 2 of the Act approved March 16, 1898, as amended by an Act approved March 23, 1922, and providing for the borrowing by such cities of funds for current fiscal needs and authorizing the Mayor of such cities to execute and deliver promissory notes for the sums so borrowed and the pledging of current taxes and revenues to secure such loans.

H. Res. 11. Joint resolution providing for the payment of assistants for the Superintendent of Public Printing.

S. B. 87. An Act to amend and re-enact Sections 4130, 4135, 4143, 4147, 4148, 4151, subsection 2, and 4250 of the Kentucky Statutes, John D. Carroll's Edition, 1915, as amended by Chapter 108 and Chapter 121 of the 1924 Acts of the Gen-

eral Assembly of the Commonwealth of Kentucky, all relating to revenue and taxation.

H. B. 224. An Act relating to dogs, the promotion of live stock industries and the protection of live stock and poultry from damage by dogs; providing for licensing of dogs, regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of licensed dogs and for dogs temporarily imported for trial, show, and breeding purposes, prescribing certain privileges for hunting dogs, providing for listing of dogs by county assessors and penalty for his failure to list; providing for the assessment of damages done by dogs, and payment thereof by the proper county to the owners of live stock and poultry and of damages to licensed dogs; imposing powers and duties on certain state and county officers and providing penalties and fees.

H. B. 424. An Act placing Mussel Shell Beds in the Ohio River and other Kentucky streams under the control and regulation of the State Game and Fish Commission.

H. B. 431. An Act to repeal and re-enact Sections 4458, 4459, 4460, 4461 and 4462, Kentucky Statutes, Edition 1922, relating to the assessment and collection of taxes by subdivisions for school purposes and providing methods of levying taxes and collecting same.

S. B. 7. An Act to add to the Primary System of Public Highways.

H. B. 281. An Act to amend Section 5 of Chapter 17 of the Acts of 1920, relating to Roads and Highways, and creating Project No. 10 D.

H. B. 511. An Act relating to Roads and Highways and describing and fixing a project to be added to the primary system of roads and highways.

H. B. 515. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

H. B. 510. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

H. B. 489. An Act adding road Project Nos. —— to primary road system of Kentucky.

H. B. 458. An Act to establish a new primary road project beginning at the juncture of the left and right forks of Straight Creek, in Bell County, Kentucky, thence up the Right Fork via Kettle Island to a point in State Project No. 110.

H. B. 459. An Act to establish as a part of the primary system of state highways a road from Eddyville, Lyon County, to a point known as Elkhorn Tavern on the Princeton and Marion highway now complete.

H. B. 467. An Act to establish a new State primary road project, beginning at London, county seat of Laurel County, and extending by way of Maplesville and McWhorter to Burning Springs on State Project No. 30, and to be known as State Primary Road Project No. —.

H. B. 497. An Act relating to roads and highways; providing for making a part of a primary road system of the Commonwealth of Kentucky a project running from Murray via New Concord to the Tennessee river in Calloway County.

H. B. 496. An Act relating to roads and highways, placing on primary system from Mr. Lebanon School House, Richardsville, Kentucky, by way of Region, Kentucky, and Threlkel.

H. B. 495. An Act relating to roads and highways placing on primary system from Richardsville to Caneyville.

H. B. 492. An Act to establish a new road project, beginning at Hazel Green, Wolfe County, Kentucky, and running to the Garret highway at Myse, Kentucky, in Morgan County. Kentucky.

H. B. 27. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

H. B. 183. An Act to repeal and re-enact Chapter 277, Acts General Assembly 1924, being an act entitled "An Act to amend and re-enact Section 9, Chapter 17, of the Acts of 1920," relating to roads and highways by adding to said section the town of Williamsburg, as a construction center by including Fullerton in said named construction centers.

H. B. 427. An Act to add to project number — in Wayne County, by including in the state primary system of roads the route from Monticello, Wayne County, to the Tennessee State line, following the top of the mountain between Mt. Pisgah and Slickford, after passing Cooper Post Office.

H. B. 406. An Act relating to roads and highways.

H. B. 407. An Act relating to roads and highways.

H. B. 473. An Act to establish a new State primary road project beginning in State Project No. 4 at Jeff, Perry County, up the Kentucky river and Rockhouse Creek to an intersection with State Project No. — west of Isom in Letcher County.

H. B. 90. An Act adding Project No. 40½ to the primary system of State highways as established by an Act of General Assembly 1920.

H. B. 480. An Act relating to roads and highways and describing and fixing a project to be added to the State primary system of roads and highways; from Washington, in Mason County, Kentucky, to Mount Olivet, in Robertson County, Kentucky, and to be known as Project No. —.

H. B. 487. An Act to establish State Primary Number —, beginning near Orat Radcliffe, in Hardin County, on the Dixie Highway leading by the way of Wooldridge Ferry to Belmont, Bullitt County.

H. B. 474. An Act to establish a new State primary road project from Flat Gap, in Letcher County, by way of Eolia to a point in State Project No. 6 on the south side of Pine Mountain.

H. B. 131. An Act to establish a road from Mouth of Caney Creek, Knott County, Kentucky, to State Project No. 4 in Letcher County, Kentucky.

H. B. 133. An Act to establish a road from Lackey, Floyd County, Kentucky to Troublesome Creek, Knott County, and to connect with Project No. ——, relating to roads and highways.

H. B. 430. An Act to establish a new State primary road project to be known as Project No. ——, beginning at Regina, at mouth of Marrowbone Creek, in State Project No. 6¾, Pike County, to Shelby Gap in the Mayo Trail. (State Project No. 6.)

H. B. 132. An Act to establish a road from Hindman, Kentucky, to the mouth of Breeding Creek, in Knott County, Kentucky, and to be known as Project No. —.

H. B. 187. An Act to supplement Chapter 9 of the Acts of the General Assembly of the Commonwealth of Kentucky, 1924 session, creating a permanent Kentucky State Park Commission, providing for a Director of State Parks, the employment of Custodians for State Parks, empowering said Commission to make rules and regulations for the maintenance of State Parks and employees, designating certain tracts of land as State Parks and appropriating money for the care, maintenance and improvement of State Parks.

With Committee amendments thereto.

Ordered that said bills be read the second time.

The Constitutional provision as to the second reading of said bills at length being dispensed with, they were read the second time by their titles only.

Ordered that said bills be placed in the orders of the day.

The House took up for consideration from the orders of the day, a bill entitled:

H. B. 168. An Act to require, in all cities of the first and second class of this Commonwealth, the proper construction, use and maintenance of scaffolding, counter-floors, staging, rigging, etc., in all construction work, providing for the punishment for the violation of same, for the appointment of a chief safety inspector of scaffolding and counter-floors in construction work and a deputy inspector in cities of the first and second class, prescribing the duties of said safety inspector of scaffolding and counter-floors in construction work and repealing all laws inconsistent therewith.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. In all cities of the First and Second Class of this Commonwealth, whoever being the owner, lessee, agent, factor, architect, constructor or contractor, engaged in and having supervision, control or charge of the building, erection or construction of a block, building or any other structure, neglects or refuses to place, or have placed, upon points of each story thereof as soon as joists are in position, counter-floors of such quality and strength as to render perfectly safe the going to and from thereon of all mechanics, laborers and other persons engaged upon the construction, supervision or placing materials thereon, shall be fined not less than Twenty-five Dollars nor more than Two Hundred Dollars.

§ 2. Each day that such person, firm, contractor, constructor or corporation neglects or refuses to have such counter-floors so placed after notice given by the Safety Inspector, or his deputy, of scaffolding and counter-floors in construction work, whether new or old, shall be a separate fine.

§ 3. Whoever employing or directing another to do or perform any labor in any erecting, improving, altering, repairing or painting any house, building or other structure, knowingly or negligently furnishes, erects or causes to be erected for and in the use of said labor unsuitable or improper scaffolding, hoists, stays, ladders or any other mechanical contrivances or structure used for such purpose, which will not give proper protection to life and limb of a person so employed or engaged, shall be fined not more than Five Hundred Dolars or imprisonment not more than three months, or both.

§ 4. If such scaffolding or staging, as described in the next preceding section, swung or suspended from an overhead support or supports is more than twenty feet from the ground floor, it shall not be deemed to give proper protection

to the life and limb and safety of the persons employed or engaged thereon, unless, when in use, it has a safety-rail rising at least thirty-four inches above the floor or main portion extending along the outside thereof, and properly attached thereto and same shall be provided with braces strong enough to sustain the weight of a man's body against it and to prevent such scaffolding or staging from swaying from the building or structure.

§ 5. In all cities of the first and second class, there shall be appointed by the Mayor of the same, one Chief Safety Inspector of scaffolding and counter-floors in construction work and such number of deputy inspectors as the General Council or Board of Trustees of said City may designate; said Safety Inspector of scaffolding and counter-floors and deputy inspectors shall be appointed by the Mayor and approved by the General Council or Board of Trustees of said cities within ninety days after the discharge of this law for the term of one year from the first of May of the year of appointment and thereafter annually before the first of May; such Inspector and deputy or deputies so appointed shall be paid from the treasury of said cities at such salaries as the authorities may designate.

§ 6. The Safety Inspector of scaffolding and counter-floors in construction work and the deputy inspector or inspectors shall be under the supervision of the Building Inspection Department of said cities. It shall be the duty of said Building Inspection Department in conjunction with the Safety Inspector of scaffolding and counter-floors in all such construction work to formulate a code of rules regulating the safety of life and limb to employees engaged in building and other construction work on which building trade employees are engaged. After the said Building Inspection Department in conjunction with the Safety Inspector of scaffolding and counter-floors in construction work has prepared its code or rules or any amendment or alterations thereof, the same

shall be communicated to the General Council or Board of Trustees of said cities in which the said Safety Inspector of scaffolding and counter-floors and construction work is appointed and acts and within ninety days after the same has been submitted to said Council, or Board of Trustees, such body or bodies shall, by proper action, either accept said rules and regulations and incorporate them as a part of the municipal law of such city or cities or by proper resolution expressly reject as a whole or in part the recommendations as made by said Building Inspection Department and the Safety Inspector of scaffolding and counter-floors in construction work. In the event that the General Council or Board of Trustees rejects the code of rules regulating the safety of life and limb to employees engaged in building and other construction work on which building trade employees are engaged, as herein provided, then the General Council or Board of Trustees of said cities must adopt other rules and regulations prescribing and regulating the safety of life and limb to the employees engaged in building and other construction work on which building trade employees are engaged in such cities or towns and in the event such code or rules are so made by such General Council or Board of Trustees, the same shall be done and made within ninety days from the time of the rejection of such code or rules as submitted by the Building Inspection Department and the Safety Inspector of scaffolding and counter-floors.

§ 7. It shall be the duty of the Safety Inspector of scaffolding and counter-floors in construction work to inspect the construction work both new as well as repair work to see that proper counter-floors are constructed; that proper scaffolding, ladders, ropes or any other parts pertaining to such staging, rigging, scaffolding or other means used in such work are proper and conform to the requirements of the law and enforce the povisions of this act.

§ 8. In all such scaffolding, rigging or staging that is used whereon there shall be placed any acids or any other

substance which shall materially affect hemp, cotton or other rope, there shall be used only steele cables and of sufficient strength, which shall make any parties or persons engaged in labor thereon to be safe in life and limb.

§ 9. All acts or parts of acts inconsistent with the provisions herein contained are declared repealed.

§ 10. The operation of this act shall apply only to cities of the First and Second Class of this Commonwealth.

Mr. Hayse offered the following amendments to said bill, viz.:

Amend H. B. 168 by striking out the words "First and" in line 1, page 1, of the printed bill.

Amend H. B. 168 by striking out the words "first and" in Section 5, line 1, page 2 of the printed bill.

Amend H. B. 168 by striking out the words "first and" in Section 10, lines 1 and 2, page 4 of the printed bill.

Said amendments were each and severally disagreed to.

Mr. Pulliam offered the following amendment to said bill. viz.:

Amend H. B. 168 by adding to Section 7, the following:

"In a city of such size as not to require full time services of a Safety Inspector of scafolding, a city employee serving in other capacities may be utilized for this work, or the Safety Inspector may be given additional duties."

Said amendment was agreed to.

Mr. Meyers moved the previous question.

Said motion was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, and the same being engrossed, said bill was read the third time by its title only, and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	James M. Durham	J. S. Milliken
W. B. Ardery	D. E. Edwards	T. R. Moore
Wm. J. Arvin	J. O. Evans	B. T. Morris
A. J. Baldridge	D. W. Fowler	Chas. N. McCarty
Shaler Berry	Otto C. Gartin	J. L. McDavid
C. H. Berryman	R. E. Glenn	W. J. McGill
W. P. Bowman	F. A. Gnau	F. T. Nichols
D. F. Brown	Whitsett Hall	Caleb Page
Geo. A. Brown	Lawrence Harmon	Smith Park
F. W. Bryant	H. M. Holbrook	J. J. Patterson
J. R. Buckman	H. B. Holland	Geo. W. Potter
W. G. Buckner	S. K. Holland	W. H. Pryor
S. J. Bunger	Ira L. Horne	H. A. Pulliam
W. A. Carson	J. C. Hutcherson	R. R. Rogers
C. B. Carver	Grover C. Johnson	Philip J. Ryan
Lonnie Cooper	W. W. Johnson	Chas. L. Seale
Fred H. Coots	D. C. Jones	M. G. Slusher
J. D. Cox	Mrs. H. G. Jorris	W. R. Smith
J. S. Cruse	J. R. Kelly	E. J. Snyder
W. J. Curtis	Thos. H. King	Frank L. Strange
J. L. Cushing	Joe Martin	J. G. Swearengin
C. L. Daly	Shelby Martin	Mac Swinford
Mormon B. Daniel	A. M. Mercer	Chiles Van Antwerp
J. R. Dorman	H. J. Meyers	W. S. Wallen
E. J. Doss	H. H. Miller	T. B. Watts

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Those who voted in the negative were—

J. M. Hayse Oscar Leibson Leon P. Lewis —3

Resolved that the title thereof be as aforesaid.

Mr. Meyers moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the orders of the day, a bill of the following title, viz.:

H. B. 135. An Act authorizing the court in which any judgment has been, or may hereafter, be rendered, imposing a fine and imprisonment, or a fine or imprisonment, for a misdemeanor, or the judge thereof in vacation, to suspend the enforcement of such judgment, or any part thereof, in certain cases.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the court in which any judgment has been, or may hareafter be, rendered, imposing a fine and imprisonment, or a fine or imprisonment, for a misdemeanor, or the judge thereof in vacation, when from all the circumstances the public welfare will not suffer thereby, may, in the discretion of such court or judge, by order, suspend the collection or enforcement of such judgment, or any part thereof, for such time as the court or judge may by such order direct, or during the good behavior of the accused. Such order of suspension shall be subject to the control of such court or judge for a period of two years, and may be set aside at any

time by order made, within that period, but after that period such order shall become final and shall not be set aside. No appeal shall lie from a refusal of any such order of suspension of from an order setting aside an order of suspension.

§ 2. The court or judge granting an order of suspension may provide, in the order granting such suspension, that the accused shall not be released from custody until he shall have executed bond to the Commonwealth of Kentucky, with good surety to be approved by the court or judge, conditioned that he will surrender himself back into the custody of the officer from whose custody he is to be released, or to such other officer as the court or judge may direct, at the expiration of the period of suspension, or at such time as the court or judge may fix in the event the order of suspension shall be set aside, which bond shall be in such amount as the court or judge may provide, and be subject to forfeiture and collection as a bail bond. After the surrender of the accused into custody upon the expiration of the period of suspension, or after the order of suspension shall be set aside, the judgment suspended shall be enforced as if no suspension had been had.

§ 3. The suspension of the enforcement of a judgment or any part thereof, as provided for in this act, shall not have the effect of preventing an appeal from the judgment suspended, in any case where an appeal is now or may hereafter be, allowed by law.

§ 4. Any law in conflict with the provisions of this act is hereby repealed.

Mr. Holbrook offered the following amendment to said bill, viz.:

That H. B. 135 be and the same is hereby amended by inserting, immediately preceding the word "court," in line 1 of of the title and in line 1 of section 1 of the printed bill, the word "circuit," so that said bill No. 135 shall apply only to circuit courts.

Said amendment was adopted, as to that portion which refers to the main body of the bill.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, said bill was read the third time by its title and rejected.

The yeas and nays being taken thereon in accordance with the provisions of the constitution were as follows, viz.:

Those who voted in the affirmative were—

Shaler Berry	H. M. Holbrook	Clint Raymer
C. H. Berryman	D. C. Jones	R. R. Rogers
W. P. Bowman	Mrs. H. G. Jorris	C. W. Ryans
J. S. Cruse	J. L. Manning	Chas. L. Seale
J. L. Cushing	T. R. Moore	M. G. Slusher
E. J. Doss	W. J. McGill	W. R. Smith
J. O. Evans	Caleb Page	E. J. Snyder
D. W. Fowler	Smith Park	C. D. Vincent
Otto C. Gartin	Geo. W. Potter	W. S. Wallen
Whitsett Hall	W. H. Pryor	T. B. Watts

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Those who voted in the negative were—

Lewis Allen	J. R. Buckman	C. L. Daly
Wm. J. Arvin	W. G. Buckner	Mormon B. Daniel
W. O. Bach	S. J. Bunger	J. R. Dorman
A. J. Baldridge	W. A. Carson	D. E. Edwards
J. H. Baughman	C. B. Carver	R. E. Glenn
T. H. Benton	Lee Clark	F. A. Gnau
D. F. Brown	Lonnie Cooper	Lawrence Harmon
Geo. A. Brown	Fred H. Coots	J. F. Harrison
F. W. Bryant	J. D. Cox	C. W. Hawkins

J. M. Hayse	Oscar Leibson	J. L. McDavid
H. B. Holland	Leon P. Lewis	F. T. Nichols
S. K. Holland	Joe Martin	Jas. J. Peters
Ira L. Horne	Shelby Martin	H. A. Pulliam
J. C. Hutcherson	A. M. Mercer	Philip J. Ryan
Grover C. Johnson	H. J. Meyers	Frank L. Strange
W. W. Johnson	B. T. Morris	J. G. Swearengin
J. R. Kelly	L. P. Murphy	Mac Swinford
Thos. H. King	Chas. N. McCarty	Chiles Van Antwerp

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Mr. Meyers moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

FRIDAY, FEBRUARY 26, 1926.

The House was opened with prayer by the Reverend R. L. Baker of the Baptist Church of Ashland, Kentucky.

The roll was called and the following members answered to their names, viz.:

Lewis Allen	J. R. Buckman	Mormon B. Daniel
W. B. Ardery	W. G. Buckner	J. R. Dorman
Wm. J. Arvin	S. J. Bunger	E. J. Doss
A. J. Baldridge	W. A. Carson	James M. Durham
J. H. Baughman	C. B. Carver	D. E. Edwards
W. B. Belknap	Lee Clark	J. O. Evans
T. H. Benton	Lonnie Cooper	D. W. Fowler
Shaler Berry	Fred H. Coots	R. E. Glenn
C. H. Berryman	J. D. Cox	F. A. Gnau
W. P. Bowman	J. S. Cruse	Whitsett Hall
D. F. Brown	W. J. Curtis	J. F. Harrison
Geo. A. Brown	J. L. Cushing	C. W. Hawkins
F. W. Bryant	C. L. Daly	Goebel B. Henson

H. M. Holbrook	Shelby Martin	H. A. Pulliam
H. B. Holland	H. J. Meyers	Clint Raymer
S. K. Holland	H. H. Miller	R. R. Rogers
J. C. Hutcherson	J. S. Milliken	M. G. Slusher
E. M. Johnson	T. R. Moore	W. R. Smith
Grover C. Johnson	L. P. Murphy	E. J. Snyder
W. W. Johnson	Chas. N. McCarty	Frank L. Strange
Mrs. H. G. Jorris	J. L. McDavid	J. G. Swearengin
W. O. Keller	W. J. McGill	Mac Swinford
J. R. Kelly	F. T. Nichols	J. L. Valandingham
Thos. H. King	Caleb Page	Chiles Van Antwerp
Oscar Leibson	Smith Park	C. D. Vincent
Leon P. Lewis	J. J. Patterson	W. S. Wallen
J. L. Manning	Geo. W. Potter	T. B. Watts
Joe Martin	W. H. Pryor	

The reading of the Journal of yesterday's proceedings was dispensed with.

A message was received from the Senate announcing that they had passed bills which originated in that body of the following titles, viz.:

S. B. 361. An Act to fix and regulate the time of holding the terms of circuit court in in the Thirty-seventh Juricial District.

S. B. 246. An Act to repeal and re-enact Section 5 of Chapter 4 Acts of the General Assembly of 1914, relating to the State Banking Department, same being Section 165a-5 Kentucky Statutes.

S. B. 117. An Act to change and fix the time, place and term of court in the thirty-fourth Judicial District.

S. B. 157. An Act to amend and re-enact Sections 1, 2 and 3 of chapter 290 of the Acts of the General Assembly of 1924, approved March 7, 1924, relating to roads and bridges

and the State Highway Department; creating a State Highway Commission and fixing their qualifications, duties and compensation; providing for appointees and employees and compensation of same; and declaring an emergency.

S. B. 171. An Act to amend and re-enact sections 1377, 1378, 1379-1, 1379-8 and 1380 Kentucky Statutes, 1922 edition, all relating to prisoners and punishment thereof by hard labor, fixing duties of county judge in reference thereto, and providing penalties for violation of such duties.

S. B. 20. An Act providing for the compensation of county attorneys and justices of the peace of county judge who tries the case and providing for the disposition of fines assessed in the courts of Justices of the Peace, or quarterly court in all misdemeanors prosecuted and tried in such courts and wherein the judgment becomes final by not being prosecuted to the circuit court.

S. B. 247. An Act repealing and re-enacting Chapter 47, Acts of the General Assembly of 1922 same relating to banks and banking.

S. B. 248. An Act to repeal and re-enact Section 10 of Chapter 4 of the Acts of the General Assembly of 1912, same being section 165a-10 Kentucky Statutes, relating to banks and banking.

S. B. 252. An Act to establish the location of Blackford Creek.

S. B. 294. An Act for free license plates to rural route carriers.

Ordered that said bills be printed and referred,

To the Committee on Rules.

Mr. Pulliam moved that the Rules be suspended and that a bill entitled:

H. B. 216. An Act to call a convention for the purpose of amending and revising the Constitution and to provide for the redrafting thereof,

Be made a special order of this House for today at eleven o'clock A. M.

Said motion was disagreed to.

Mr. Fowler moved that the Rules be suspended and that the vote by which a bill entitled:

H. B. 317. An Act creating a lien on motor vehicles for death or injuries to person or property by reason of the negligent operation thereof; making said lien superior to all other mortgage liens or debts on said vehicle, except liens for taxes or licenses; and providing for the recording of said liens,

Was refused its first reading, be reconsidered.

Said motion was agreed to.

Mr. Fowler moved that said bill be read the first time at length, the report of the Committee to the contrary notwithstanding.

Said motion was agreed to.

Thereupon said bill was read at length the first time and placed on the Calendar.

By unanimous consent, Mr. Park sent to the Clerk's desk a substitute amendment for a bill entitled:

H. B. 469. An Act to amend Section 691 Kentucky Statutes, Carroll's Edition, 1918, relating to the filing of annual statements by insurance companies other than life.

And moved that said substitute be ordered printed.

Said motion was agreed to.

Mr. Meyers moved that when this House adjourn today, it be to meet again on next Monday, March 1, at one o'clock P. M.

Said motion was agreed to.

Mr. Meyers moved that the vote by which this House agreed that when it adjourn today, it be to meet next Monday at one o'clock P. M. be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Meyers moved that the session of today be extended indefinitely.

Said motion was agreed to.

Mr. Grover C. Johnson moved that Miss Matilda Johnson, daughter of the member from Boone and Grant, be made an Honorary Page of this House for the session.

Said motion was agreed to.

Upon a call of the Counties and Legislative Districts, the following bills were introduced, ordered printed and referred as follows, viz.:

Mr. Evans:

H. Res. 15. Resolution to erect monument over grave of Governor Clarke.

By Mr. Berryman:

H. B. 575. An Act to amend and re-enact Sections 4, 5 and 6 and 12 of Chapter 74 Acts of 1918, being Sections 1905a-49, 1905a-51, 1905a-57, 1905a-58, 1905a-59, Carroll's Kentucky Statutes, 1918 Edition, entitled "An Act to regulate the weighing and sampling of milk and cream and provide for the examination of the glassware used for testing milk and cream, etc."

By Mr. Moore:

H. B. 576. An Act providing that only pure bred bulls shall be licensed; providing for proof of such breeding.

By Mr. Pryor:

H. B. 577. An Act to repeal and re-enact Section 1379-6 of the Kentucky Statutes, Carroll's Edition of 1915, relating to escape from prison.

By Mr. Leslie:

H. B. 578. An Act to establish as a part of the primary system of the State highways a road beginning at a point on Project 19, known as Sid Morgan's farm in Henry County to Ballardsville in Oldham county via Smithfield and thence to Crestwood in Oldham County, and designating the same as Project ——.

By Mr. Rogers:

H. B. 579. An Act relating to the government of cities of the second class by amending and re-enacting Sections 5, 6, 7, 8 and 11 of an Act of the General Assembly approved March 21, 1910, being Chapter 50 of the Acts of 1910, entitled: "An Act to amend an Act entitled 'An Act for the government of cities of the second class in the Commonwealth of Kentucky' etc."

By Mr. Daly:

H. B. 580. An Act relating to roads and highways, and describing and fixing a project to be added to the State Primary System of Roads and Highways, from Mayslick, Mason County, Kentucky, by way of Helena to Wedonia in said county; and known as Project —.

By Mr. Vincent:

H. B. 581. An Act to establish a new State Primary Road project leading from near Bremen on State Project 10 to a point in Project 55, near Muhlenberg and McLean County line.

By Mr. Benton:

H. B. 582. An Act to amend and re-enact subsection 39 of Section 2380 of Carroll's 1922 Edition of Kentucky Statutes, being part of the Act of March 19, 1912, relating to drainage of lands, construction of levees, ditches, etc.

By Mr. Glenn:

H. B. 583. An Act relating to public roads and amending Section 4356t-5 of Article 2 of Chapter 110 Kentucky Statutes, 1922 Edition, by adding thereto as Project — extending from Kirkmanville in Todd County to Clifty in Todd County.

By Mr. Strange:

H. B. 584. An Act to amend and re-enact Section 3385, Kentucky Statutes, 1922 Edition, relating to appeals from the action of the board of tax supervisors in cities of the third class.

By Mr. Manning:

H. B. 585. An Act relating to the sale of intoxicating liquors.

To Committee on Rules.

The Budget Commission of the State of Kentucky, through Mr. Milliken, offered the following report on behalf of said Commission, viz.:

Frankfort, Kentucky, February 26, 1926.

To the General Assembly of the Commonwealth of Kentucky:

We, the undesigned, members of the Budget Appropriation Commission, after having carefully examined the reports to the various departments, boards, commissions and agencies filed with us their receipts and expenditures for the past two fiscal years, and having examined the request as carefully and thoroughly as time would permit, transmit to you herewith an appropriation bill covering the appropriations for the various departments, boards, commissions and agencies, exclusive of the legislative and judicial departments and common school system, for the fiscal year ending June 30, 1927, and a similar bill covering the appropriations for the same departments for the fiscal year ending June 30, 1928.

We have on file in our office, at your disposal and for your information, and which we place before you with this report, the reports of all of the departments, boards, commissions and

agencies of this State, showing the financial operations of each of said departments, boards, commissions and agencies during the past two fiscal years, and also showing the revenue of the State and the sources from which same is derived, and our estimate of the expenditures covering the next two fiscal years from which these appropriations are made in the bills submitted herewith.

We realize that many departments, commissions, boards and agencies of the State government are in real need for a large expenditure of money in order to carry out the wishes and desires of the governing authorities for greater efficiency and service in their administrations, and that more funds are needed for the improvement of our charitable and penal institutions, our State institutions of learning, in order that the inmates thereof may be better served, young men and women seeking a higher education may have a greater opportunity for preparations for life, and for greater development of State, and to raise the general standard to which a progressive people are entitled. To do this, however, would require a sum of money in excess of the revenues now available, and if we are to meet the expected, desired development and extended program anticipated some provision must be made in view of the financial condition of the State.

The members of this ommission hold themselves in readiness to furnish to the General Assembly any information desired respecting the needs of any department or agency of this State and the recommended appropriations contained in these bills.

Most respectively submitted,

BUDGET APPROPRIATION COMMISSION,
W. J. FIELDS,
Governor of Kentucky,

Auditor of Public Accounts.
JNO. B. LEWIS,
Chairman, State Tax Commission.

And also introduced, in accordance with said report, bills of the following numbers and titles, viz.:

H. B. 586. An Act appropriating money for the operation and maintenance of the various Departments, Boards, Commissions, Institutions and Agencies of the State Government, except for the Legislative and Judicial Departments, and except for the common schools, for the fiscal year ending June 30, 1927; designating the funds and sources from which said appropriations are to be paid, and prescribing the manner in which same are to be paid.

H. B. 587. An Act appropriating money for the operation and maintenance of the various Departments, Boards, Commissions, Institutions and Agencies of the State Government, except for the Legislative and Judicial Departments, and except for the common schools, for the fiscal year ending June 30, 1928; designating the funds and sources from which said appropriations are to be paid, and prescribing the manner in which same are to be paid.

Said bills were ordered printed and referred

To Committee on Rules.

The Committees to which same had been referred, reported bills of the following titles, viz.:

By Mr. Milliken of the Committee on Rules, viz.:

H. Res. 10. Resolution providing for the participation of the Commonwealth of Kentucky in the celebration commemorating the centennial of the Congress of Panama, etc.

By Mr. Murphy of the Committee on Agriculture:

S. B. 244. An Act to repeal Chapter 96 of the Acts of the General Assembly of 1920 entitled: "An Act to amend Section 4 of Chapter 118 of the Session Acts of 1918, entitled 'An Act to prescribe and provide a license tax upon all persons, firms or corporations standing a stud horse, jack or bull in this Commonwealth,' fixing the date of the expiration of licenses provided for, and providing the manner of registering and recording the breed, name, age, color, sire, dam of the animal to be licensed and fixing a fee for such registration, etc."

H. B. 134. An Act for promotion of the live stock industry, the registering of and taxing of dogs, etc.

Without an expression of opinion.

By Mr. Glenn of the Committee on Appropriations No. 1:

H. B. 4. An Act creating a Commission on the fiscal affairs of the Commonwealth of Kentucky and its counties and for other purposes.

Without an expression of opinion.

By Mr. Shelby Martin of the Committee on banks and Banking:

H. B. 505. An Act to amend Section 165a-1 Kentucky Statutes, Carroll's Edition 1922, placing real estate mortgage companies under supervision of the Banking Department.

By Mr. Daly of the Committee on Charitable Institutions:

H. B. 475. An Act providing for the working of prisoners confined in the prisons of the State on state highways and bridges, constructed or maintained by the State Highway Commission; providing for the care, supervision, guarding,

maintenance, transportation and housing of such prisoners while so engaged and for the cost and expense thereof; providing for compensation to such prisoners and their families; and authorizing the State Board of Charities and Corrections to lease or purchase farm lands for the working of convicts or inmates thereon, when funds are available and have been appropriated by the Legislture therefor; and repealing Chapter 34 of the Acts of the General Assembly of 1922.

With Committee amendments thereto.

By Mr. G. A. Brown of the Committee on County and City Courts:

H. B. 388. An Act prescribing certain duties for each county clerk of the Commonwealth of Kentucky to perform with reference to the tax books and prescribing his compensation therefor.

With Committee amendments thereto.

By Mr. King of the Committee on Fish and Game:

H. B. 529. An Act to amend and re-enact Section 1954b-11 Kentucky Statutes, Edition 1922, relating to fur bearing animals.

H. B. 535. An Act to amend and re-enact Section 1941 of Carroll's Kentucky Statutes, 1922 Edition, as amended by Chapter 122 of the acts of 1920, entitled "An Act for the protection of game birds and game animals; fixing open and closed seasons for the same; fixing the bag limit for birds and animals killed in open season; prohibiting the snaring of rabbits at any time and providing penalty for the violation of this act."

H. B. 534. An Act to amend and re-enact Section 1954c-25 Kentucky Statutes, Carroll's 1922 Edition, as amended by Chapter 30 of the Acts of 1916, entitled "An Act amending an act entitled 'An Act for the protection of game and fish,' being Chapter 35, Acts 1912, approved March 12, 1912."

By Mr. Cooper of the Committee on Public Ditches:

H. B. 184. An Act to amend Section 2380 of the Kentucky Statutes, Carroll's Edition, 1915, and subsection 35 of said section, which has to do with the drainage of farm lands.

By Mr. Strange of the Committee on Roads and Highways No. 2:

S. B. 215. An Act to amend and re-enact Chapter 158 of the Acts of the General Assembly of 1924, entitled "An Act to amend an act of the General Assembly of Kentucky, approved March 16, 1920, entitled 'An Act relating to roads and bridges, etc.,' and being Chapter 17 of the Acts of 1920, by revising and amending Project 46 of said Act" by adding thereto road extending from Taylorsville, in Spencer County, to West Point, in Hardin County, by way of Waterford, Mt. Washington and Shepherdsville.

S. B. 142. An Act to create and establish Project No. 1a, of State Roads and Highways, being a State highway from Greenville in Muhlenberg County, by way of Weir, Kirkmanville and Allegre, to Elkton, Todd County.

S. B. 74. An Act relating to roads and highways.

S. B. 101. An Act relating to roads and bridges, and amending Chapter 17 of the Acts of the General Assembly of the Commonwealth of Kentucky of 1920, by adding thereto Road Project —— extending from Wells Station on the Ohio

and Kentucky Railroad in Morgan County, Kentucky, to a point intersecting Project 28 near White Oak, Morgan County, Kentucky.

S. B. 178. An Act relating to roads and highways.

S. B. 201. An Act to establish a new State Primary Road project to be known as Project —— to begin at Munfordville, the county seat of Hart County, and to extend by route near old home of Gen. Simon Bolivar Buckner to a point in "Jackson Highway" south of Pikeview between Pikeview and Linwood.

S. B. 103. An Act to add to the primary system of roads.

S. B. 31. An Act to amend Section 5 of Chapter 17 of the Acts of the General Assembly of 1920, which act relates to roads and bridges, and which section of said act is now Section 4356t-5 of Carroll's Kentucky Statutes, Edition 1922, by establishing the road from Columbia, Ky., by the way of the bridge over Green river near Eunice, Ky., by way of Pelluton, Ky., and by the way of the bridge over Green river just above Dunnville, Ky., to Liberty, Ky., as a part of the Primary System of roads in the State of Kentucky, and including in and adding said road to said section as a project in said Primary System.

S. B. 211. An Act relating to roads.

S. B. 70. An Act relating to roads and bridges and amending Chapter 17 of the Acts of the General Assembly of 1920, and by adding thereto, as Project 299-D extending from Gatliff, Whitley County, Kentucky, and from Capito, Kentucky, to Black Snake, Bell County, Kentucky, by way of Chenoa, Bell County, Kentucky.

S. B. 99. An Act establishing as a part of the Primary System of State Highways a road from Brownsville, Edmonson County, via Rhoda, to the Dixie Highway, intersecting with said highway at the farm of Fred Moore.

S. B. 175. An Act relating to roads and highways and adding a road to the primary system of Kentucky.

S. B. 137. An Act to amend Section 5, Project 32, of Chapter 17, of the Acts of the General Assembly of 1920, now Project 32, under Section 4356t-5 of Carroll's 1922 Edition of the Kentucky Statutes and as amended by Chapter 234, of the Acts of the General Assembly of 1924, relating to establishing and designing a primary system of State highways and providing for their construction and maintenance.

S. B. 182. An Act to amend Section 5, of Chapter 17 of the Acts of the General Assembly of 1920, which is Section 4356t-5 of Carroll's 1922 Kentucky Statutes, relating to roads and highways and establishing and creating Project 2½B.

S. B. 186. An Act to amend Section 5 of Chapter 17 of the Acts of the General Assembly of the Commonwealth of Kentucky of the 1920 session, approved March 16, 1920, which act relates to roads and bridges and the creation of the Department of State Roads and Highways, etc., by adding to said act Project ——.

S. B. 254. An Act to add to Project —— in Wayne County, by including in the State Primary Sytem of roads, the route from Monticello, Wayne County, to the Tennessee state line, following to top of the mountain between Mt. Pisgah and Slickford, after passing Cooper Post Office.

S. B. 27. An Act relating to roads and highways.

S. B. 65. An Act adding Project 40½ to the Primary System of State Highways as establishel by act of General Assembly, 1920.

H. B. 523. An Act relating to roads and bridges and amending Chapter 17 of the Acts of the General Assembly of 1920, by adding thereto as Project —— a road extending from the city of Eminence in Henry County to and intersecting with a point on Project 19 known as Price's Corner in Henry County.

H. B. 530. An Act to establish as a part of the primary road system a road running from Creelsboro, via Russell Springs shall be designated as Road Project ——.

H. B. 527. An Act creating new State Primary Road Project —— leading from Rockhold, 12 miles to a point in Project 111, on Poplar Creek, in Whitley County, Kentucky.

H. B. 512. An Act establishing and making the road leading from Cynthiana, in Harrison County, Kentucky, to Williamstown, in Grant County, Kentucky, a part of the Primary System of State Highways of the Commonwealth of Kentucky, and designating said road as Project ——.

H. B. 514. An Act relating to roads and highways and describing and fixing a project to be added to the Primary System of Roads and Highways.

H. B. 531. An Act to establish as a part of the road system a road running from Ucuma, Cumberland River; said road project shall be known as Road Project ——.

H. B. 521. An Act creating and establishing as a part of the primary system of the state highways of the Common-

wealth of Kentucky a road leading from Frankfort in Franklin County, via Peak's Mill to Swallowfield in Owen county, to be known and designated as Project 60a.

H. B. 522. An Act relating to roads and bridges and establishing as a part of the primary system of state highways a road leading from New Castle via Point Pleasant to Bethlehem, designating the same as Project ——.

By Mr. Pulliam of the Committee on Education No. 2:

H. B. 460. An Act to repeal Chapter 45 of the Acts of 1920, being an act to authorize consolidated school districts and county boards of educatiion to issue bonds; and Sections 4100, 4101, 4420a-2, and 4420a-3 of Kentucky Statutes, and Section 4484 in Chapter 8 of the Acts of 1922; and Sections 4431, 4432, 4426a-3, 4426a-5, 4426a-6, 4426a-9, 4458, 4459, 4460, 4461, 4462, 4463b of Kentucky Statutes, and Section 5 of Chapter 138 of the Acts of 1918; and to provide more adequately for the establishment of consolidated school subdistricts, the change of boundaries of district and subdistricts, the levy, collection and expenditure of school taxes, and the issue and sale of bonds for school purposes in common school districts and subdistricts.

By Mr. Ryan of the Committe on Kentucky Statutes:

S. B. 43. An Act relating to the fiscal administration of counties; providing for a uniform budget system in each county of the Commonwealth of Kentucky, for the administration of the fiscal affairs of counties; prescribing the duties of the county judge, county court clerk, county treasurer, county attorney, and other officers with reference thereto; creating a county budget commission, and prescribing its duties; amending Sections 929, 934 of Kentucky Statutes, 1915, Carroll's Edition, etc.

With Committee amendments thereto.

H. B. 526. An Act authorizing the filing of notices of liens for Internal Revenue taxes payable to the United States of America and the discharges thereof in the office of the County Clerk and prescribing the manner of filing and indexing the same and fixing the compensation therefor.

H. B. 517. An Act to repeal, amend, and re-enact Section 5 of Chapter 11 of the Acts of the Extraordinary Session of the General Assembly of 1917, approved May 2, 1917, as amended and re-enacted by Section 4 of an Act constituting Chapter 116 of the Acts of the General Assembly of Kentucky for 1924, which Act was approved March 4, 1924, requiring the filing of reports of assignments or transfers of mortgages.

H. B. 509. An Act relating to motor vehicles; providing for the repeal, amendment and re-enactment of subsections a, e, g, h, i of Section 2 of Chapter 90 of the Acts of the General Assembly of 1920; repealing, amending and re-enacting Section 17 of Chapter 90 of the Acts of the General Assembly of 1920, as amended and re-enacted by Chapter 78 of the Acts of the General Assembly of 1924, and repealing existing statutes.

Without an expression of opinion.

H. B. 518. An Act to repeal, amend and re-enact Section 4051A(10) of Kentucky Statutes, Carroll's Edition, 1915, same being a part of Article II of Chapter 108, providing for the report of liens of record and assignments thereof by County Clerks.

H. B. 491. An Act for the suppression of vice and crime, and regulating for that purpose applications to telephone companies for the installation of telephones for the use of subscribers to telephone service.

H. B. 239. An Act regulating the depositing of funds of the Commonwealth of Kentucky collected by county and district officials and trustees of the jury fund, and providing a

manner of keeping a daily record thereof and fixing penalties for failure to keep such record or to make such deposit and for converting such funds to such officers' individual use.

With the expression of opinion that said bills ought to pass, with the exception of those otherwise indicated above.

Said bills were severally read at length the first time and ordered to be placed on the Calendar.

The Committees to which the same had been referred, reported bills of the following titles, viz.:

By Mr. Murphy of the Committee on Agriculture:

H. B. 402. An Act to regulate the selling, offering or exposing for sale of agricultural seeds; making an appropriation of $10,000.00 to administer and enforce the act; providing penalties for its violation and prescribing the duties of the enforcing officers; and to repeal all laws and parts of laws in conflict with this act.

H. B. 520. An Act regulating deliveries of whole milk and cream for manufacture or resale for manufacture in this Commonwealth.

By Mr. Ryan of the Committee on Kentucky Statutes:

H. B. 472. An Act concerning conditional sales and to make uniform the law relating thereto.

With the expression of opinion that said bills ought not to pass.

No further action having been taken by the House, and no motion having been made to advance said bills to a reading, the report of the Committee to the contrary notwithstanding, it was ordered that said bills be not read at length the first time, and so said bills were rejected.

Mr. Buckner of the Committee on State Parks, to which the same had been referred, reported a bill of the following title, viz.:

H. B. 373. An Act to amend an Act entitled "An Act creating a Kentucky State Park Commission" passed and approved March 28, 1924.

With the expression of opinion that said bill ought not to pass.

Mr. D. F. Brown moved that said bill be advanced to its first reading, the report of the Committee to the contrary notwithstanding.

Said motion was disagreed to.

And so said bill was rejected.

Chas. J. Howes, Chief Clerk of the House tendered his resignation to the House as said Chief Clerk and offered the following reasons for his resignation, viz.:

A Joint Resolution appropriating a specfic sum to be known as the Budget Expense Fund for the use and benefit of the House of Representatives and the Senate during the present session of the General Assembly to meet the current and necessary expenses thereof, for which there is no other provision of law, was passed by the two Houses of this General Assembly, signed by the Presiding Officers thereof and approved by the Governor of the Commonwealth in due course. An injunction was later issued by the Franklin Circuit Court against the Auditor of Public Accounts and the Chief Clerks of the House and Senate prohibiting them from expending any portion of the funds provided by said resolution to any employee of said House and Senate not specifically named in Section 249 of the Constitution. The case was brought to the Court of Appeals from the judgment of the Franklin Circuit Court and I have just learned that the Highest Court of this Commonwealth has restrained the Chief Clerk of this House from appropriating any of this fund provided for in the resolution referred to, to even my stenographer. When I was

elected Chief Clerk of this House, I had a right to expect, according to an unbroken custom and an unquestioned precedent that the services of my stenographer would be paid for out of the State Treasury as it has been done from time immemorial. Regardless of the decision of the Court of Appeals and regardless of every other extraneous circumstance, I shall see to it that my stenographer is paid every dollar to which she is entitled by the agreement of this House and myself at the beginning of this session.

It is a physical impossibility for any man not an expert typist and stenographer to discharge the duties imposed by law upon the Chief Clerk of the House of Representatives without stenographic assistance. The legal restraint and unfortunate handicap of the present situation force me to tender to you my resgination as Chief Clerk of this House and in taking this action I do so without ire, anger, revenge or animosity and I trust that my resignation will be accepted in this spirit without delay.

Mr. Belknap moved that a Committee be appointed by the Speaker of this House to confer with the Attorney General and with a like Committee of the Senate to consider ways and means to meet the present situation.

The Speaker of the House ruled said motion out of order and stated that he could not entertain any motion which, if agreed to by the House, would be non-enforceable.

After a lenghty discussion as to the expediency of the hour, Mr. Lewis moved that a Committee be appointed by the Speaker to take the present situation under advisement.

Said motion was agreed to.

Mr. Lewis requested the Chief Clerk of this House to reconsider his action and to withdraw his resignation, at least, temporarily.

Thereupon the Chief Clerk of the House in compliance with said request withdrew said resignation for the moment.

The Speaker appointed Messrs. Lewis, Jones and Milliken as members constituting the Committee provided for in the motion of Mr. Lewis. Mr. Cushing moved that this House do now recess until one o'clock P. M.

Said motion was agreed to.

The hour of one o'clock P. M. having arrived, the Speaker resumed the Chair and called the House to order.

Mr. Belknap moved that the Rules be suspended and that a bill entitled:

H. B. 508. An Act to amend and re-enact an act of the General Assembly of 1920 entitled "An Act imposing a license tax on race tracks, at which races are run for purses or prizes, under the jurisdiction of the Kentucky State Racing Commission, and which license tax is in lieu of all other license, income, excise, special or franchise tax to the State of Kentucky, or any county, city, town, municipality or other political subdivision thereof;" providing for a license tax on the operation of pari-mutuel machines or other mechanical devices through, in, or by which money or other things of value are bet or wagered on the result of any horse race or races, or any other contest between man or beast, run or to be decided in this State; providing for license for the sale of any ticket, lot, pool or other device upon the result of any horse race of races, or any other contest between man or beast, run or to be decided in this State,

Be called from the Committee on Kentucky Statutes and reported to this House and considered in the same manner as

if said bill had been reported to the House by said Committee without an expression of opinion.

Said motion was disagreed to, it having failed to receive a majority of all members elected to the House.

The yeas and nays being required thereon by Messrs. Belknap and Fowler, were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	D. E. Edwards	A. M. Mercer
W. B. Ardery	J. O. Evans	H. H. Miller
Wm. J. Arvin	D. W. Fowler	B. T. Morris
W. O. Bach	R. E. Glenn	Chas. N. McCarty
A. J. Baldridge	Whitsett Hall	J. L. McDavid
J. H. Baughman	J. F. Harrison	Caleb Page
W. B. Belknap	H. B. Holland	J. J. Patterson
T. H. Benton	S. K. Holland	Jas. J. Peters
Geo. A. Brown	Ira L. Horne	W. H. Pryor
S. J. Bunger	J. C. Hutcherson	Chas. L. Seale
C. B. Carver	Grover C. Johnson	E. J. Snyder
Lee Clark	W. W. Johnson	Frank L. Strange
Lonnie Cooper	Mrs. H. G. Jorris	Mac Swinford
Fred H. Coots	W. O. Keller	J. L. Valandingham
C. L. Daly	Thos. H. King	Chiles Van Antwerp
Mormon B. Daniel	W. W. Leslie	C. D. Vincent
E. J. Doss	Leon P. Lewis	

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Those who voted in the negative were—

C. H. Berryman	J. R. Dorman	D. C. Jones
W. G. Buckner	Otto C. Gartin	J. R. Kelly
W. A. Carson	F. A. Gnau	Oscar Leibson
J. D. Cox	Lawrence Harmon	J. L. Manning
J. S. Cruse	C. W. Hawkins	H. J. Meyers
W. J. Curtis	J. M. Hayse	L. P. Murphy
J. L. Cushing	H. M. Holbrook	W. J. McGill

Smith Park	C. W. Ryans	W. S. Wallen
Clint Raymer	M. G. Slusher	T. B. Watts
Philip J. Ryan	W. R. Smith	

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Mr. Belknap moved that the vote by which the House refused to call said bill from the hands of the Committee on Kentucky Statutes, be reconsidered and that said motion lie on the table.

Mr. Meyers seconded said motion.

Said motion was agreed to.

Mr. Lewis raised the point of order that the "clincher motion" as made by Mr. Belknap was improperly applied.

The Speaker held that said point of order was not well taken.

From this decision of the Chair, the following appeal was filed by Messrs. Lewis, Hall and Belknap, viz.:

We hereby appeal from the decision of the Chair in ruling that the "clincher motion" was properly applied to the vote on the motion of the member from Oldham.

Thereupon the Speaker vacated the Chair and designated Mr. Milliken as Speaker pro tem.

The Speaker pro tem. took the Chair and announced "Shall the decision of the Chair stand as the judgment of this House."

The question being taken thereon it was decided in the affirmative.

The yeas and nays being required thereon by Messrs Belknap and Lewis, were as follows, viz.:

Those who voted in the affirmative were—

W. B. Ardery	D. E. Edwards	Shelby Martin
W. O. Bach	J. O. Evans	A. M. Mercer
T. H. Benton	Otto C. Gartin	H. J. Meyers
Shaler Berry	R. E. Glenn	J. S. Milliken
C. H. Berryman	F. A. Gnau	B. T. Morris
D. F. Brown	Lawrence Harmon	L. P. Murphy
F. W. Bryant	C. W. Hawkins	J. L. McDavid
W. G. Buckner	J. M. Hayse	W. J. McGill
W. A. Carson	H. M. Holbrook	F. T. Nichols
C. B. Carver	S. K. Holland	Smith Park
Lee Clark	Ira L. Horne	J. J. Patterson
Lonnie Cooper	W. W. Johnson	Geo. W. Potter
Fred H. Coots	D. C. Jones	Clint Raymer
J. D. Cox	W. O. Keller	Philip J. Ryan
J. S. Cruse	J. R. Kelly	C. W. Ryans
W. J. Curtis	Thos. H. King	Chas. L. Seale
J. L. Cushing	Oscar Leibson	M. G. Slusher
C. L. Daly	W. W. Leslie	W. R. Smith
J. R. Dorman	J. L. Manning	W. S. Wallen
James M. Durham	Joe Martin	T. B. Watts

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Those who voted in the negative were—

Lewis Allen	D. W. Fowler	Chas. N. McCarty
A. J. Baldridge	Whitsett Hall	Jas. J. Peters
J. H. Baughman	J. F. Harrison	H. A. Pulliam
W. B. Belknap	H. B. Holland	E. J. Snyder
Geo. A. Brown	J. C. Hutcherson	Frank L. Strange
S. J. Bunger	Grover C. Johnson	Mac Swinford
Mormon B. Daniel	Mrs. H. G. Jorris	J. L. Valandingham
E. J. Doss	Leon P. Lewis	

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Ordered that the Rules be suspended and that the House take up for consideration bills on the Calendar.

Thereupon the House took up for consideration from the Calendar, bills of the following titles, viz.:

H. B. 525. An Act to amend Section 118 Kentucky Statutes, (Carroll's 1922 Edition) relating to the duties of Commonwealth's Attorney.

H. B. 312. An Act to repeal, re-enact amend and extend Section 1309, Kentucky Statutes, (Carroll's 1915 Edition) relating to carrying concealed upon or about one's person a deadly weapon other than an ordinary pocket knife. Requiring all owners of revolvers or pistols, except regular dealers engaged in the sale of the same, to register ownership and transfer with county court clerk in the county of their residence. Fixing fees for registration and transfer to be paid by owner; appropriating a portion of fees to county common school purposes; providing for the confiscation and destruction of pistols and revolvers; making it unlawful for any one to sell or lend to a minor a pistol or revolver and fixing penalties for violation thereof, and providing county judge may issue permits to carry concealed deadly weapons.

H. B. 102. An Act creating a State Text Book Commission to adopt for use in the public schools of Kentucky a uniform series of textbooks, defining the powers, qualifications and duties of said commission and its members, regulating the price, method of selection, sale and distribution of such textbooks, prescribing conditions to be complied with and penalties for the violation of the various provisions of this act, and expressly repealing Chapter 13 of the Acts of the General Assembly of Kentucky of 1910, approved March 15, 1910, as amended by Chapter 11 of the Acts of 1914, approved March 10, 1914, as amended by Chapter 8 of the Acts of 1916, ap-

proved March 4, 1916, and as amended by Chapter 110 of the Acts of 1918, approved March 29, 1918, said Act of March 15, 1910, as thus finally amended now being Articles 5a and 5b of Chapter 113, (or Sections 4421a-1 to 4421a-30 inclusive and also Sections 4421b-1 to 4421b-32 inclusive), of the Kentucky Statutes, Carroll's 1922 Edition.

H. B. 244. An Act to amend Section 21 of Chapter 80 Acts of Kentucky for the year 1914, approved March 23, 1914, being Section 4307 of Carroll's Kentucky Statutes, relating to the issue of Road and Bridge Bonds by the Fiscal Courts.

H. B. 308. An Act to restrain any person from making slanderous, or malicious attacks against people or children of such people who have been united in marriage by any legally constituted authority.

H. B. 506. An Act changing the name of Dolen, Perry County, Kentucky, to that of Combs, Perry County, Kentucky.

H. B. 478. An Act making incurable insanity a ground for divorce.

H. B. 465. An Act providing for the creation and establishment of a State Board of Registration for engineers and land surveyors, granting certain powers to and prescribing the duties of said Board; providing for examination and registration of engineers and land surveyors and providing penalties for violation of the provisions of this act.

With Committee amendments thereto.

H. B. 442. An Act to repeal and re-enact Section 4084 of Kentucky Statutes, Carroll's Edition of 1915, relating to revenue and taxation, defining duties of the Auditor of Public Ac-

counts as to certification of franchise and tangible assessments of corporations liable to local taxation.

H. B. 539. An Act to amend Chapter 43, page 436, Acts of the General Assembly of Kentucky, 1916, being Section 2711a par. 126 of Kentucky Statutes relating to drills held by the Kentucky National Guard.

H. B. 538. An Act authorizing the Adjutant General of Kentucky to expend an amount of not exceeding Five Thousand ($5,000.00) Dollars for the purpose of publishing a book from the records file of that office of the officers and enlisted men from Kentucky, who answered the call of the President on June 16, 1916, for military services on the Mexican Border.

H. B. 237. An Act to repeal and re-enact Sections 2739g-1, 2739g-33, 2739g-39, 2739g-51, 2739g-65 and 2739g-65(b), Carroll's Kentucky Statutes, and being part of Chapter 90, Acts of the Session of 1920, beginning at page 415 in the session acts, of 1920, and all relating to the subject of motor vehicles and their operation upon the public roads of the state; changing the lawful rates of speed and prohibiting the use of injurious vehicles on public highways.

With an amendment thereto by way of substitute therefor.

S. B. 216. An Act relating to State Normal Schools and Teachers Colleges; providing for the granting of teachers' certificates upon credentials; empowering Boards of Regents of State Normal Schools to confer certificates and degrees; repealing, amending and re-enacting subsection (g) Chapter 55 and Section 10 of Chapter 50 of the Acts of the General Assembly of 1924.

H. B. 343. An Act pertaining to advertising and erection of bill boards upon and near public highways; the regulation

thereof by the State Highway Commission; providing a license thereon and fixing penalties.

H. B. 502. An Act to repeal and re-enact Chapter 15, Acts of the General Assembly of 1922, approved March 20, 1922, and to provide for the elimination of grade crossings or change of existing overhead or underpass structures on the primary roads of the State; giving the State Highway Commission the power to order the elimination of such crossings or change of such structures and the power to direct the character of crossings to be substituted therefor; and to provide for the method or manner of effecting such grade elimination or changes; providing for hearings on such orders; providing for a method of paying the cost incurred in the elimination of such crossings or change or structures; providing for appeal to the Franklin Circuit Court from such orders of the State Highway Commission and for appeal from the Franklin Circuit Court to the Court of Appeals; providing for maintenance of the substituted crossings; and providing for mandatory process of the Court to compel compliance with such orders; and declaring an emergency.

H. B. 301. An Act to amend Section 606 subsection 1 of the Civil Code of Practice relating to the competency of witness.

With an amendment thereto by way of substitute therefor.

H. B. 528. An Act to amend Section 490 of the Civil Code of Practice concerning the sale of real property and to authorize sales of real property in which one person or class of persons own a life estate and in which another person or class of persons own the remainder in fee simple.

With an amendment thereto by way of substitute therefor.

H. B. 420. An Act providing for the appointment of assistant cheif deputy sheriffs in counties having a city of the first class, and fixing their duties and compensation

H. B. 419. An Act to amend Section 1763 of Carroll's Kentucky Statutes, 1925 Edition.

H. B. 292. An Act relating to the recording of deeds and mortgages securing indebtedness and requiring that every such instrument shall disclose the maturity of the principal of such indebtedness, and imposing penalties.

Ordered that said bills be read the second time.

The Constitutional provisions as to the second reading of said bills at length being dispensed with, said bills were read the second time by their titles only.

Ordered that said bills be placed in the Orders of the Day.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 109. An Act to amend Section 20 Chapter 14 Acts of the General Assembly of 1920 defining the method of procedure in school bond election in cities of the fourth class and enacting in lieu thereof the following section "defining the method of procedure in school bond elections in such cities."

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 20, Chapter 14, Acts of the General Assembly of 1920, be and the same is hereby amended to read as follows:

Whenever the board of education shall deem it necessary for the proper accommodation of the schools of such district to acquire or enlarge sites for school buildings, to erect, improve, remodel, rebuild or restore buildings for high schools or for any other school purpose or for the equipment of the same or for any or all of these purposes, and the annual funds raised from other sources are not sufficient to accomplish such purpose or purposes, such board shall make a careful estimate of the amount of money required for such purpose or purposes, and it shall certify to the general council or the board of commissioners of such city the fact that an election for an issue of bonds for school improvement shall be held together with the amount of money for which bonds shall be issued and the purpose or purposes to which the proceeds thereof shall be applied. It shall, thereupon, be the duty of the general council or the board of commissioners to adopt an ordinance, submitting to the qualified voters of the city at a time to be fixed in such ordinance not less than fifteen nor more than thirty days from the time such certificate is filed with it, the question whether bonds shall be so issued for the purpose or purposes aforesaid. The bonds so issued shall be designated as "school improvement bonds." The ordinance shall fix the time the bonds shall run and, if a serial issue, the amount to mature at each time. It shall also limit the rate of interest which may be permitted on such bonds, which shall not exceed six per cent. It shall also limit the total amount of bonds to be issued and shall provide for the levy of a tax to pay the interest and redeem the bonds as they mature or to provide for the accumulation of a sinking fund to retire them at their maturity.

§ 2. Whenever the boundary of the school district does not coincide with the boundary of the city and it is necessary

to take a vote on the bond issue, it shall be the duty of the county judge of the county in which such city is located to call an election for such bond issue on the day set apart for such election in the ordinance so adopted by such city board of council for such outside territory. In that event it shall be the duty of the county judge of the county or counties where such city is located to perform all the duties imposed upon the board of council as set out in this section.

§ 3. The bond issue herein provided for shall not exceed five (5) per centum of the value of the taxable property of the district to be estimated by the assessment next before the last assessment previous to the incurring of the indebtedness. The question to be submitted shall be so framed that the voter may, by his vote, answer "for" or "against." If the voters of the district shall determine, by two-thirds majority of those voting, that such bonds shall be issued, they shall, when so issued, be placed under the control of the board of education, which shall determine when and at what price and how they shall be sold and the date, number of bonds, denomination, whether coupon or registered, the rate of interest and frequency of payment thereof, place of payment or principal and interest, and other details as desired embodied in the bonds or in the ordinance providing for their issue, and shall certify the same to the governing body of such city and also to the fiscal court of such county where territory outside of such city is embraced in such district, and it shall be the duty of such board or council at once to adopt an ordinance in conformity therewith and cause the bonds to be at once properly prepared and executed and turned over to the board of education for sale and delivery, which ordinance shall be certified to the fiscal court of such county. Such bonds shall be signed by the president and secretary of the board of education and shall not be sold for less than par and accrued interest. As the bonds are sold, their proceeds shall be placed to the credit of the board of education in the same depository which is selected for its other funds, but shall be kept in a separate ac-

count and shall be used only for the purposes for which the bonds were issued. It shall be the duty of the general council or the board of commissioners, in addition to the levy made for the maintenance of the schools as hereinbefore provided, to levy annually in its tax levy a rate that will raise a sum that shall be sufficient to pay the interest and create a sinking fund for the payment of the bonds at maturity. Such bonds, principal and interest shall be a charge upon the sinking fund of such city and shall be entitled to have the annual tax that shall be levied as aforesaid.

§ 4. It shall also be the duty of the fiscal court of the county in which such school district is located, if it embraces any territory outside of such city, to make the necessary levy of the property in such district outside of the boundary of the city in order to liquidate such bonded indebtedness. The same rate of taxation for liquidating such bonded indebtedness shall apply in the city and in the territory in such district beyond the city.

§ 5. Such election shall be conducted and carried out in such districts in all respects as is required by law for elections in the Commonwealth of Kentucky; notices thereof to be given and the election to be held by the same officers and in all other respects as is required by the general election laws of the Commonwealth of Kentucky.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	H. M. Holbrook	Chas. N. McCarty
W. O. Bach	H. B. Holland	J. L. McDavid
A. J. Baldridge	Ira L. Horne	W. J. McGill
T. H. Benton	W. W. Johnson	F. T. Nichols
C. H. Berryman	D. C. Jones	Caleb Page
D. F. Brown	Mrs. H. G. Jorris	Smith Park
Geo. A. Brown	W. O. Keller	Jas. J. Peters
F. W. Bryant	J. R. Kelly	Geo. W. Potter
S. J. Bunger	Thos. H. King	W. H. Pryor
Fred H. Coots	Oscar Leibson	Clint Raymer
J. S. Cruse	W. W. Leslie	Philip J. Ryan
J. L. Cushing	Leon P. Lewis	C. W. Ryans
C. L. Daly	J. L. Manning	M. G. Slusher
James M. Durham	Joe Martin	W. R. Smith
D. E. Edwards	Shelby Martin	E. J. Snyder
D. W. Fowler	A. M. Mercer	Mac Swinford
R. E. Glenn	H. H. Miller	Chiles Van Antwerp
F. A. Gnau	J. S. Milliken	C. D. Vincent
Whitsett Hall	B. T. Morris	W. S. Wallen
Lawrence Harmon	L. P. Murphy	T. B. Watts

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Those who voted in the negative were—

W. B. Ardery	C. B. Carver	Mormon B. Daniel
W. G. Buckner	Lee Clark	J. C. Hutcherson
W. A. Carson	J. D. Cox	Grover C. Johnson

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Resolved that the title thereof be as aforesaid.

Mr. Vincent moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Milliken moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

MONDAY, MARCH 1, 1926.

The House was opened with prayer by the Reverend Father Klosterman of the Roman Catholic Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

Lewis Allen	James M. Durham	H. H. Miller
W. B. Ardery	D. E. Edwards	J. S. Milliken
Wm. J. Arvin	J. O. Evans	T. R. Moore
W. O. Bach	D. W. Fowler	B. T. Morris
A. J. Baldridge	Otto C. Gartin	L. P. Murphy
J. H. Baughman	R. E. Glenn	Chas. N. McCarty
T. H. Benton	F. A. Gnau	J. L. McDavid
Shaler Berry	Whitsett Hall	W. J. McGill
C. H. Berryman	Lawrence Harmon	Caleb Page
W. P. Bowman	J. F. Harrison	Smith Park
D. F. Brown	C. W. Hawkins	J. J. Patterson
Geo. A. Brown	Goebel B. Henson	Jas. J. Peters
F. W. Bryant	H. M. Holbrook	Geo. W. Potter
J. R. Buckman	S. K. Holland	W. H. Pryor
W. G. Buckner	J. C. Hutcherson	Clint Raymer
S. J. Bunger	E. M. Johnson	R. R. Rogers
W. A. Carson	Grover C. Johnson	Philip J. Ryan
C. B. Carver	W. W. Johnson	Chas. L. Seale
Lee Clark	D. C. Jones	M. G. Slusher
Lonnie Cooper	W. O. Keller	W. R. Smith
Fred H. Coots	J. R. Kelly	E. J. Snyder
J. D. Cox	Thos. H. King	Frank L. Strange
J. S. Cruse	Oscar Leibson	J. G. Swearengin
W. J. Curtis	W. W. Leslie	Mac Swinford
J. L. Cushing	Leon P. Lewis	J. L. Valandingham
C. L. Daly	J. L. Manning	Chiles Van Antwerp
Mormon B. Daniel	Joe Martin	C. D. Vincent
J. R. Dorman	Shelby Martin	W. S. Wallen
E. J. Doss	H. J. Meyers	T. B. Watts

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. Milliken of the Rules Committee offered the following resolution, viz.:

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That there is hereby appropriated out of the State Treasurgy from any funds not otherwise appropriated by law a sufficient sum to cover the amounts and accounts itemized below and the State Auditor is hereby directed to draw his warrant upon the Treasurer in favor of the persons and for the respective amounts itemized, viz.:

Mrs. N. A. Newman, to floral wreath for House of Representatives Acct. Mrs. King	$25.00
R. Rogers & Sons to floral wreath for Mr. Givens	30.00
J. F. Harrison, funeral escort Mr. Givens	25.00
Goebel B. Henson, funeral escort Mr. Givens	25.00
S. K. Holland, funeral escort Mr. Givens	25.00
J. J. Patterson, funeral escort Mr. Givens	25.00
Lee Clark, funeral escort Mr. Givens	25.00
H. A. Pulliam, funeral escort Mr. Givens	25.00

Said resolution was adopted.

A message was received from the Senate announcing that they had passed bills which originated in this House of the following titles, viz.:

H. B. 10. An Act amending and re-enacting Section 3235a-28, Carroll's Kentucky Statutes, 1915 Edition, being Chapter 137 of the Acts of 1912 as amended in Chapter 57, of the Acts of 1916, page 528; and Section 3235a-26, Carroll's Kentucky Statutes, 1915 Edition, being the Act of March 19, 1912, Chapter 137, page 545, as amended by Chapter 57, page

528, Acts of 1916, as amended by Chapter 167, page 673, of the Acts 1918, as amended by Chapter 52, page 174, of the Acts of 1922, relating to power to purchase sites, issue of improvement bonds to be submitted to the people, and provisions concerning bonds, and relating to duties and powers and incurring indebtedness, and relating to the rate of taxation and time the same is to be effective,

With the following amendment thereto, as offered by the Senate, viz.:

1. Amend H. B. 10 in Senate by striking from page 2 of the printed bill that part of line 28 which begins with the word "this" and all of lines 29, 30, 31, 32, 33 and 34, and all of line 35 to the word "adoption" in the said line.

2. Amend H. B. 10 in the Senate by striking from line 38 on page 2, of the printed bill the words "or people."

3. Amend H. B. 10 in Senate by striking out of Section 3235a-26 in line 26 on page 2 of the printed bill the words "Board of Education" and insert in lieu thereof the words, "Board of Commissioners."

4. Amend H. B. 10 by striking out of Section 3235a-26, page 2 of the printed bill beginning in line 28, the following: "This consent of the Board of City Commissioners or General Council shall be for a period not longer than the ending of the fiscal year June 30, 1928. Thereafter to obtain the above mentioned extra levy a vote of the people shall be necessary and this question shall be submitted to the people in the same manner as now provided by law for the submission of school bond issues to the people, except that the above mentioned submission shall require only a majority of the votes cast for its adoption."

Also strike out the words: "or people" in line 36, page 2 of the printed bill.

5. Amend H. B. 10 by inserting the word "each" after the words "to enact" and before "provision" in line 150, page 6 of the printed bill.

6. Amend H. B. 10 by striking out of Section 3, line 2, page 6 and 7 of the printed bill after the words "school year" the figures "1925-1926" and in lieu thereof insert the figures "1926-1927."

Said amendments, as offered by the Senate, were concurred in.

Said bill, as amended, was then passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	C. B. Carver	R. E. Glenn
Wm. J. Arvin	Lee Clark	F. A. Gnau
W. O. Bach	Lonnie Cooper	Whitsett Hall
A. J. Baldridge	Fred H. Coots	Lawrence Harmon
J. H. Baughman	J. D. Cox	C. W. Hawkins
W. B. Belknap	J. S. Cruse	J. M. Hayse
T. H. Benton	J. L. Cushing	Goebel B. Henson
Shaler Berry	C. L. Daly	H. M. Holbrook
W. P. Bowman	Mormon B. Daniel	H. B. Holland
D. F. Brown	J. R. Dorman	S. K. Holland
Geo. A. Brown	E. J. Doss	Ira L. Horne
F. W. Bryant	James M. Durham	J. C. Hutcherson
J. R. Buckman	D. E. Edwards	E. M. Johnson
W. G. Buckner	J. O. Evans	Grover C. Johnson
S. J. Bunger	D. W. Fowler	W. W. Johnson
W. A. Carson	Otto C. Gartin	D. C. Jones

J. R. Kelly	Chas. N. McCarty	C. W. Ryans
Thos. H. King	J. L. McDavid	Chas. L. Seale
Oscar Leibson	Caleb Page	M. G. Slusher
W. W. Leslie	Smith Park	W. R. Smith
Leon P. Lewis	J. J. Patterson	E. J. Snyder
J. L. Manning	Jas. J. Peters	Frank L. Strange
Shelby Martin	Geo. W. Potter	J. G. Swearengin
H. H. Miller	W. H. Pryor	Mac Swinford
J. S. Milliken	H. A. Pulliam	J. L. Valandingham
T. R. Moore	Clint Raymer	C. D. Vincent
B. T. Morris	R. R. Rogers	W. S. Wallen
L. P. Murphy	Philip J. Ryan	T. B. Watts

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Mr. Milliken of the Committee on Rules moved that the vote by which said bill was passed as amended, be reconsidered that that said motion lie on the table.

Said last named motion was agreed to.

And that they had also passed a bill which originated in this House of the following title, viz.:

H. B. 93. An Act to amend section 3642 of the Kentucky Statutes, Carroll's 1915, relating to violation of ordinance-misdemeanors in cities of the fifth and sixth classes. All prosecutions in said court for violation of ordinances and by-laws shall be by warrant or summons in the name of the city, and all others in the name of the Commonwealth for the benefit of the city, and all fines or forfeitures recovered in said court shall, when collected, be paid into the Treasury of the city for the use and benefit of the general revenue fund of the city,

With the following amendment thereto, as offered by the Senate, viz.:

Amend H. B. 93 by striking out all of lines 24 and 25 of the printed bill and inserting in lieu thereof the following:

Nothing in this act shall revoke any ordinance or statute which authorizes any part of fines or forefitures to be set aside for public library purposes. Any and all laws in conflict herewith are hereby repealed.

Said amendment as offered by the Senate was concurred in.

Said bill, as amended, was then passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen
Wm. J. Arvin
W. O. Bach
A. J. Baldridge
J. H. Baughman
T. H. Benton
Shaler Berry
C. H. Berryman
W. P. Bowman
D. F. Brown
Geo. A. Brown
F. W. Bryant
J. R. Buckman
W. G. Buckner
S. J. Bunger
W. A. Carson
C. B. Carver
Lee Clark
Lonnie Cooper
Fred H. Coots
J. D. Cox
J. S. Cruse
W. J. Curtis
J. L. Cushing
C. L. Daly
Mormon B. Daniel
J. R. Dorman
E. J. Doss
James M. Durham
D. E. Edwards
J. O. Evans
D. W. Fowler
R. E. Glenn
F. A. Gnau
Whitsett Hall
Lawrence Harmon
J. F. Harrison
C. W. Hawkins
J. M. Hayse
Goebel B. Henson
H. M. Holbrook
H. B. Holland
S. K. Holland
Ira L. Horne
E. M. Johnson
Grover C. Johnson
W. W. Johnson
W. O. Keller
J. R. Kelly
Thos. H. King
Oscar Leibson
W. W. Leslie
Joe Martin
Shelby Martin
H. J. Meyers
H. H. Miller
J. S. Milliken
T. R. Moore
B. T. Morris
L. P. Murphy
Chas. N. McCarty
J. L. McDavid
W. J. McGill
Caleb Page
Smith Park
J. J. Patterson
Jas. J. Peters
Geo. W. Potter
W. H. Pryor
H. A. Pulliam
Clint Raymer
R. R. Rogers
Philip J. Ryan
Chas. L. Seale
M. G. Slusher

W. R. Smith	Mac Swinford	W. S. Wallen
E. J. Snyder	J. L. Valandingham	T. B. Watts
Frank L. Strange	Chiles Van Antwerp	
J. G. Swearengin	C. D. Vincent	

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Mr. Milliken of the Committee on Rules moved that the vote by which said bill was passed as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that the said last two named bills be delivered to the Enrolling Clerk of this House.

A message was received from the Senate announcing that they had passed bills which originated in that body of the following titles, viz.:

S. B. 249. An Act to repeal and re-enact Chapter 46, Acts of the General Assembly of 1922, relating to fees for examination of banks and trust companies.

S. B. 62. An Act creating a State Board of Examiners and registration of architects, prescribing its powers and duties, providing for examinations and issuing certificates to qualified registered architects or architects and providing for penalties for violations of the provisions of this act.

S. B. 358. An Act providing for the establishment and maintenance of forest reserves; defining forest reserves; providing for the listing, recording, withdrawal, use, transfer of title, administration and taxation of forest reserves; establishing a Forest Reserve Fund; providing for the cutting of timber on forest reserves, for changes in the provisions of this Act and a penalty for the violation of the provisions of this Act.

S. B. 194. An Act to repeal Section 201c-3 Kentucky Statutes, Carroll's 1915 Edition, relating to issuing free passes by common carriers to agents or employees who are also state, county or municipal officers.

Ordered that said bill be printed and referred to Committee on Rules.

At the instance of the Committee on Rules, the following bills were introduced, ordered printed and referred as follows, viz:

By Mr. Lee Clark:

H. B. 588. An Act relating to revenue and taxation, and amending Section 1 and Section 6 of Chapter 116 of the Acts of the General Assembly of 1924; providing an annual tax upon property subject to taxation in this State, fixing the rate thereof, distributing said tax to various departments and State institutions; providing for the assessment and collection of taxes on omitted intangible personal property, fixing the penalties and interests due thereon; defining "real estate" or "land," "personal property" and "agricultural lands;" and repealing existing statutes.

By Mr. Wallen:

H. B. 589. An Act to amend and re-enact Section 743a-9, Kentucky Statutes, Carroll's 1918 Edition, relating to the conditions to be complied with by Mutual Insurance Companies before being licensed to transact business.

By Mr. Horne:

H. B. 590. An Act to amend Chapter 200 of Acts of the General Assembly of the Commonwealth of Kentucky, of the 1924 session, which relates to roads and highways.

By Mr. Daniels:

H. B. 591. An Act providing for the quarantining of diseased and infested trees, plants and parts of plants, for the inspection of trees, plants and parts of plants, for the registration of the dealers and agents, for the inspection and certification of nurseries, etc.

By Mr. McDavid:

H. B. 592. An Act to amend Section 1599a-14 of Kentucky Statutes, Carroll's Edition, in relating to the practice of embalming and undertaking and the disposition in the care of the dead.

By Mr. P. J. Ryan:

H. B. 593. An Act to amend Section 84 of the Code of Criminal Practice and in relation to peace officers who may take bail.

By same:

H. B. 594. An Act to amend Section 1309 of Carroll's Kentucky Statutes, sixth Edition, in relation to the offense of carrying concealed, a deadly weapon or selling same to minors and increasing the penalty therefor.

By Mr. Benton:

H. B. 595. An Act to amend Chapter 260 of Acts of the General Assembly of the Commonwealth of Kentucky of the 1924 session which Act relates to Roads and Highways.

By Mr. Pulliam:

H. B. 596. An Act establishing a road from Paducah, Kentucky, at the northern end of Eighth Street in said city and at the city limits to the ferry landing opposite Brookport, Illinois, and being part of the highway between Paducah, Kentucky, and Golconda, Illinois, as part of the primary system of State highways, and designating said project as Project No. 9-A.

By Mr. Vincent:

H. B. 597. An Act to establish a new road project.

To Committee on Rules.

At the instance of the Committee on Rules, Mr. Milliken reported bills and resolutions of the following titles, viz.:

H. Res. 9. Resolution giving to George B. Powers and J. B. Johnson the right to sue the Commonwealth for the sums of $3,000.00 and $750.00 respectively.

H. B. 547. An Act to repeal, amend and re-enact Section 1847 of Kentucky Statutes, Carroll's Edition of 1915, as amended by the Acts of the General Assembly of Kentucky, Chapter 115, page 551, session of 1920, and now Section 1847 of the Kentucky Statutes, Carroll's Edition of 1922, relating to commissioners to constitute fiscal courts and providing for special elections therefor and term of office, and providing for compensation of commissioners in counties having cities of the second class.

H. B. 503. An Act providing for the quarantining of diseased and infested trees, plants and parts of plants, for the inspection of trees, plants and parts of plants, for

the registration of tree dealers and agents, for the inspection and certification of nurseries, for the appropriation of $5,000-.00 for the carrying out of the provisions of this act, and for the repeal of all acts and parts of acts in conflict with this Act.

S. Res. 12. Concurrent Resolution providing for the rejection of the proposed 20th Amendment of the Constitution of the U. S. being the so-called Child Labor Amendment to said Constitution.

H. B. 550. An Act providing for the better government, administration, disposition and discipline of the police and fire departments of cities of the third class, and to create and perpetuate a pension fund for disabled police and firemen in such cities, their widows and children and dependent fathers and mothers, and to create and perpetuate a Board of Trustees for the management and conduct thereof, and to pension members thereof after service of a term of years, and to provide revenue for the payment thereof.

H. B. 580. An Act relating to Roads and Highways, and describing and fixing a project to be added to the State Primary System of Roads and Highways, from Mayslick, Mason County, Kentucky by way of Helena to Wedonia, in said County and known as Project No. ——.

H. B. 578. An Act to establish as a part of the Primary System of the State highways a road beginning at a point on project number 19 known as Sid Morgan's farm in Henry county, to Ballardsville in Oldham county via Smithfield and thence to Crestwood in Oldham county, and designating the same as Project No. ——.

H. B. 572. An Act to amend an Act entitled "An Act relating to roads and bridges," being Chapter 17 of the Acts of the General Assembly of 1920.

H. B. 543. An Act creating and establishing as a part of the primary system of highways of the State of Kentucky that part of the old Bardstown & Green River turnpike between the village of White City near top of Muldraughs Hill and the town of Buffalo, in LaRue county, to be known as Project ——.

H. B. 555. An Act relating to roads and highways.

S. B. 361. An Act to fix and regulate the time of holding the terms of holding circuit courts in the thirty-seventh Judicial District.

H. B. 564. An Act relating to roads and highways, placing on primary system, Rochester by Morgantown to Caneyville.

H. B. 568. An Act establishing and making the road leading from Leitchfield in Grayson County, by way of Blue Knob and Holly, to Evileigh, a part of the primary system of the State Highways of the Commonwealth of Kentucky, and designating the said road as Project ——.

H. B. 562. An Act to establish a new State Primary Road Project, beginning at Morris in Bracken County, Kentucky, on State Project 57, and running via Johnsville to Bradford Post Office on the C. & O. Railroad and State Project 106.

H. B. 558. An Act adding additional road project to the present state primary system of roads.

H. B. 565. An Act relating to roads and highways.

H. B. 569. An Act establishing and making the road from Wickliffe via Blandville, Lovelaceville, Symsonia, and Benton to Eggner's Ferry a part of the Primary System of State Highways of the Commonwealth of Kentucky.

H. B. 583. An Act relating to public roads and amending Section 4356t-5 of Article 2 of Chapter 110, Kentucky Statutes, 1922 Edition, by adding thereto as Project —— extending from Kirkmansville in Todd County to Clifty in Todd County.

H. B. 561. An Act to establish a new State primary road project beginning at Falmouth, the county seat of Pendleton County, and extending to Lennoxburg by way of Wampum, approximately eight miles.

H. B. 563. An Act creating a new State Primary Road Project leading from Liberty in Casey County to Campbellsville in Taylor County, Kentucky.

H. B. 519. An Act to require contractors, when dealing with any commission, department, institution or agency of the State, to disclose the name or names of each and every salesman, broker, attorney, agent or sub-agent, or other representative, requiring the registration of such representatives; and providing penalties for the violation of this Act.

H. B. 238. An Act providing for additional supervision and regulation of the carrying and hauling of freight for compensation over public highways by motor propelled carriers or vehicles, defining "commercial trucks" and "commercial truck companies;" providing for additional supervision and regulation thereof by the State Highway Commission, or its successors; providing for the assessment and collection of fees and taxes thereon and providing for the enforcement of the provisions of this act and punishment for the violations thereof.

With the expression of opinion that said bills ought to pass.

Said bills and resolutions were severelly read at length the first time and ordered to be placed on the Calendar.

At the instance of the Committee on Rules, the House took up for consideration from the Calendar, bills of the following titles, viz.:

H. Res. 10. Resolution providing for the participation of the Commonwealth of Kentucky in the celebration commemorating the centennial of the Congress of Panama, etc.

S. B. 244. An Act to repeal Chapter 96 of the Acts of the General Assembly of 1920 entitled: "An Act to amend Section 4 of Chapter 118 of the Session Acts of 1918, entitled "An Act to prescribe and provide a license tax upon all persons, firms or corporations standing a stud horse, jack or bull in this Commonwealth, fixing the date of the expiration of licenses provided for, and providing the manner of registering and recording the breed, name, age, color, sire, dam of the animal to be licensed and fixing a fee for such registration, etc."

H. B. 134. An Act for promotion of the live stock industry, the registering of and taxing of dogs, etc.

H. B. 4. An Act creating a commission on the fiscal affairs of the Commonwealth of Kentucky and its counties and for the other purposes.

H. B. 505. An Act to amend Section 165a-1 Kentucky Statutes, Carroll's Edition 1922, placing real estate mortgage companies under supervisions of the Banking Department.

H. B. 475. An Act providing for the working of prisoners confined in the prisons of the State on state highways and bridges, constructed or maintained by the State Highway

Commission, providing for the care, supervision, guarding, maintenance transportation and housing of such prisoners while so engaged and for the cost and expense thereof; providing for compensation to such prisoners and their families; and authorizing the State Board of Charities and Corrections to lease or purchase farm lands for the working of convicts or inmates thereon, when funds are available and have been appropriated by the Legislature therefor; and repealing Chapter 34 of the Acts of the General Assembly of 1922.

With Committee amendments thereto.

H. B. 388. An Act prescribing certain duties for each county court clerk of the Commonwealth of Kentucky to perform with reference to the tax books and prescribing his compensation therefor.

With Committee amendments thereto.

H. B. 529. An Act to amend and re-enact Section 1954b-11 Kentucky Statutes, Edition 1922, relating to fur-bearing animals.

H. B. 535. An Act to amend and re-enact Section 1941 of Carroll's Kentucky Statutes, 1922 Edition, as amended by Chapter 122 of the Acts of 1920, entitled "An Act for the protection of game birds and game animals; fixing open and closed seasons for the same; fixing the bag limit for birds and animals killed in open season; prohibiting the snaring of rabbits at any time and providing a penalty for the violation of this act."

H. B. 534. An Act to amend and re-enact section 1954c-25 Kentucky Statutes, Carroll's 1992 Edition, as amended by Chapter 30 of the Acts of 1916, entitled "An Act amending

an Act entitled 'An Act for the protection of game and fish,' Chapter 35, Acts of 1912, approved March 12, 1912."

H. B. 184. An Act to amend Section 2380 of the Kentucky Statutes, Carroll's Edition 1915, and subsection 35 of said section, which has to do with the drainage of farm lands.

S. B. 215. An Act to amend and re-enact Chapter 158 of the Acts of the General Assembly of 1924, entitled "An Act to amend an act of the General Assembly of Kentucky, approved March 16, 1920, entitled 'An Act relating to roads and bridges, etc.,' and being Chapter 17 of the Acts of 1920, by revising and amending Project 46 of said Act" by adding thereto road extending from Taylorsville in Spencer county, to West Point in Hardin county, by way of Waterford, Mt. Washington and Shepherdsville.

S. B. 142. An Act to create and establish Project No. 1a, of State Roads and Highways, being a State Highway from Greenville, Muhlenberg County, by way of Weir, Kirkmanville and Allegre, to Elkton, Todd County.

S. B. 74. An Act relating to roads and highways.

S. B. 101. An Act relating to roads and bridges, and amending Chapter 17 of the Acts of the General Assembly of the Commonwealth of Kentucky of 1920, by adding thereto road Project No. ——, extending from Wells Station on the Ohio and Kentucky Railroad in Morgan County, Kentucky to a point intersecting Project 28 near White Oak, Morgan County, Kentucky.

S. B. 178. An Act relating to roads and highways.

S. B. 201. An Act to establish a new State Primary Road Project to known as Project No. ——, to begin at Mun-

fordville, the county seat of Hart County and to extend by route near old home of Gen. Simon Bolivar Buckner to a point in "Jackson Highway" south of Pikeview between Pikeview and Linwood.

S. B. 103. An Act to add to the primary system of roads.

S. B. 31. An Act to amend Section 5 of Chapter 17 of the Acts of the General Assembly of 1920, which Act relates to roads and bridges, and which Section of said act is now Section 4356t-5 of Carroll's Kentucky Statutes, Edition 1922, by establishing the road from Columbia, Ky., by the way of the bridge over Green River near Eunice, Ky., by way of Pelluton, Ky., and by the way of the bridge over Green River just above Dunnville, Ky., to Liberty, Ky., as a part of the Primary System of roads in the State of Kentucky, and including in an adding said road to said Section as a Project in said Primary System.

S. B. 211. An Act relating to roads.

S. B. 70. An Act relating to roads and bridges and amending Chapter 17 of the Acts of the General Assembly of 1920, and by adding thereto, as Project 299-D extending from Gatliff, Whitley County, Kentucky, and from Capito, Kentucky, to Black Snake, Bell County, Kentucky, by way of Cheona, Bell County, Kentucky.

H. B. 99. An Act establishing as a part of the Primary System of State Highways a road from Brownsville, Edmonson County, via Rhoda, to the Dixie Highway, intersecting with said highway at the farm of Fred Moore.

S. B. 175. An Act relating to roads and highways and adding a road to the primary system of Kentucky.

S. B. 137. An Act to amend Section 5, Project 32, of Chapter 17, of the Acts of the General Assembly of 1920, now Project 32, under Section 4356t-5 of Carroll's 1922 Edition of the Kentucky Statutes and as amended by Chapter 234, of the Acts of the General Assembly of 1924, relating to establishing and designing a primary system of State highways and providing for their construction and maintenance.

S. B. 182. An Act to amend Section 5, of Chapter 17 of the Acts of the General Assembly of 1920, which is Section 4356t-5 of Carroll's 1922 Kentucky Statutes, relating to roads and highways and establish and creating Project 2½B.

S. B. 186. An Act to amend Section 5 of Chapter 17 of the Acts of the General Assembly of the Commonwealth of Kentucky of the 1920 Session, approved March 16, 1920, which Act relates to roads and bridges and the creation of the Department of State Roads and Highways, etc., by adding to said act Project ——.

S. B. 254. An Act to add to Project —— in Wayne County, by including in the State Primary System of roads, the route from Monticello, Wayne County, to the Tennessee State line, following the top of the mountain between Mt. Pisgah and Slickford, after passing Cooper Post Office.

S. B. 27. An Act relating to roads and highways.

S. B. 65. An Act adding Project 40½ to the Primary System of State Highways as established by Act of General Assembly, 1920.

H. B. 523. An Act relating to roads and bridges and amending Chapter 17 of the Acts of the General Assembly of 1920, by adding thereto as Project —— a road extending from the city of Eminence, in Henry County, to and intersecting

with a point on Project 19 known as Price's Corner in Henry County.

H. B. 530. An Act to establish as a part of the Primary Road System a road running from Creelsboro, via Russell Springs shall be designated as road Project ——.

H. B. 527. An Act creating new State Primary Road Project —— leading from Rockhold, 12 miles to a point in Project 111, on Poplar Creek, in Whitley County, Kentucky.

H. B. 512. An Act establishing and making the road leading from Cynthiana, in Harrison County, Kentucky, to Williamstown, in Grant County Kentucky, a part of the Primary System of State Highways of the Commonwealth of Kentucky, and designating said road as Project ——.

H. B. 514. An Act relating to roads and highways and describing and fixing a project to be added to the Primary System of Roads and Highways.

H. B. 531. An Act to establish as a part of the road system a road running from Ucuma, Cumberland river, said road project shall be known as road Project ——.

H. B. 521. An Act creating and establishing as a part of the primary system of the State highways of the Commonwealth of Kentucky a road leading from Frankfort, in Franklin County, via Peak's Mill to Swallowfield, in Owen County, to be known and designated as Project 60a.

H. B. 522. An Act relating to roads and bridges and establishing as a part of the primary system of state highways a road leading from New Castle via Point Pleasant to Bethlehem, designating the same as Project ——.

H. B. 460. An Act to repeal Chapter 45 of the Acts of 1920, being an act to authorize consolidated school districts and county boards of education to issue bonds; and Sections 4100, 4101, 4420a-2, and 4420a-3 of Kentucky Statutes, and Section 4484 in Chapter 8 of the Acts of 1922; and Sections 4431, 4432, 4436a-3, 4426a-5, 4426a-6, 4426a-9, 4458, 4459, 4460, 4461, 4462, and 4463b of Kentucky Statutes, and Section 5 of Chapter 138 of the Acts of 1918; and to provide more adequately for the establishment of consolidated school subdistricts, the change of boundaries of districts and subdistricts the levy, collection and expenditure of school taxes, and the issue and sale of bonds for school purposes in common school districts and subdistricts.

S. B. 43. An Act relating to the fiscal administration of counties; providing for a uniform budget system in each county of the Commonwealth of Kentucky, for the administration of the fiscal affairs of counties; prescribing the duties of the county judge, county court clerk, county treasurer, county attorney, and other officers with reference thereto; creating a county budget commission, and prescribing its duties; amending Sections 929, 934 of Kentucky Statutes, 1915 Carroll's Edition, etc.

With Committee anmendments thereto.

H. B. 525. An Act authorizing the filing of notices of liens for Internal Revenue taxes payable to the United States of America and the discharges thereof in the office of the County Clerk and prescribing the manner of filing and indexing the same and fixing the compensation therefor.

H. B. 517. An Act to repeal, amend, and re-enact Section 5 of Chapter 11 of the Acts of the Extraordinary Session of the General Assembly of 1917, approved May 2, 1917, as amended and re-enacted by Section 4 of an act constituting

Chapter 116 of the Acts of the General Assembly of Kentucky for 1924, which Act was approved March 4, 1924, requiring the filing of reports of assignments or transfers of mortgages.

H. B. 509. An Act relating to motor vehicles; providing for the repeal, amendment and re-enactment of subsections a, e, g, h, i, of Section 2 of Chapter 90 of the Acts of the General Assembly of 1920; repealing, amending and re-enacting Section 17 of Chapter 90 of the Acts of the General Assembly of 1920, as amended and re-enacted by Chapter 78 of the Acts of the General Assembly of 1924, and repealing existing statutes.

H. B. 518. An Act to repeal, amend and re-enact Section 4051A(10) of Kentucky Statutes, Carroll's Edition, 1915, same being a part of Article II of Chapter 108, providing for the report of liens of record and assignments thereof by County Clerks.

H. B. 491. An Act for the suppression of vice and crime, and regulating for that purpose applications to telephone companies for the installation of telephones for the use of subscribers to telephone service.

H. B. 239. An Act regulating the depositing of funds of the Commonwealth of Kentucky collected by county and district officials and trustees of the jury fund, and providing a manner of keeping a daily record thereof and fixing penalties for failure to keep such record or to make such deposit and for converting such funds to such officers' individual use.

H. B. 317. An Act creating a lien on motor vehicles for death or injuries to person or property by reason of negligent operation thereof; making said lien superior to all other mortgages, liens or debts on said vehicles, except liens for

taxes or licenses; and providing for the recording of said liens.

Ordered that said bills be read the second time.

The Constitutional provision as to the second reading of said bills at length being dispensed with, said bills were read the second time by their titles only.

Ordered that said bills be placed in the Orders of the Day.

Mr. Milliken moved that the privileges of the floor be extended to Hon. Emery Frazier.

Said motion was agreed to.

Mr. Milliken moved that the session of today be extended indefinitely.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 353. An Act to repeal and re-enact Section 131 of Kentucky Statutes, 1915 Edition, relating to the appointment and compensation of a county attorney pro tem., and providing that such compensation shall be deducted from the compensation to be paid to the county attorney.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 131 of the Kentucky Statutes, 1915 Edition, be repealed and re-enacted so that same, when thus re-enacted, shall read as follows:

When the county attorney is sick or unable to attend or of kin to the accused, the county judge may appoint some suitable attorney to represent the Commonwealth in examining trials and prosecutions for misdemeanors, in court inferior to circuit courts, not exceeding five dollars per day, for his services, to be paid as other claims against the county, and, in addition thereto, he shall have the per centum allowed the county attorney and the amount so paid such county attorney pro tem. out of the revenues of the county may be deducted from the salary to be paid the county attorney and the per centum paid the county attorney pro tem. on account of fines and forfeitures shall be considered as a per centum paid the regular county attorney and shall be so treated on the books of the Auditor of Public Accounts.

§ 2. All laws and parts of laws in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The constitional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	T. H. Benton	J. R. Buckman
W. B. Ardery	Shaler Berry	W. G. Buckner
Wm. J. Arvin	C. H. Berryman	S. J. Bunger
W. O. Bach	W. P. Bowman	W. A. Carson
A. J. Baldridge	D. F. Brown	Lonnie Cooper
J. H. Baughman	Geo. A. Brown	Fred H. Coots
W. B. Belknap	F. W. Bryant	J. D. Cox

J. S. Cruse	E. M. Johnson	Caleb Page
W. J. Curtis	Grover C. Johnson	Smith Park
J. L. Cushing	W. W. Johnson	J. J. Patterson
C. L. Daly	D. C. Jones	Jas. J. Peters
Mormon B. Daniel	J. R. Kelly	Geo. W. Potter
J. R. Dorman	Thos. H. King	W. H. Pryor
E. J. Doss	Oscar Leibson	H. A. Pulliam
James M. Durham	W. W. Leslie	Clint Raymer
D. E. Edwards	J. L. Manning	R. R. Rogers
J. O. Evans	Joe Martin	C. W. Ryans
D. W. Fowler	Shelby Martin	M. G. Slusher
R. E. Glenn	A. M. Mercer	W. R. Smith
F. A. Gnau	H. H. Miller	J. G. Swearengin
Whitsett Hall	J. S. Milliken	Mac Swinford
Lawrence Harmon	T. R. Moore	J. L. Valandingham
J. F. Harrison	B. T. Morris	Chiles Van Antwerp
C. W. Hawkins	Chas. N. McCarty	C. D. Vincent
Goebel B. Henson	J. L. McDavid	W. S. Wallen
H. B. Holland	W. J. McGill	T. B. Watts
Ira L. Horne	F. T. Nichols	

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Resolved that the title thereof be as aforesaid.

Mr. Milliken moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 352. An Act to repeal and re-enact Section 120 of the Kentucky Statutes, 1915 Edition, relating to the appointment of a Commonwealth's attorney pro tem., and providing for compensation so as to deduct the amount so allowed to a Commonwealth's Attorney pro tem. from the compensation to be paid to the Commonwealth's attorney.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 120 of the Kentucky Statutes, 1915 Edition, be repealed and re-enacted so that the same when thus re-enacted, shall read as follows:

In the absence of a Commonwealth's attorney at any term or part of a term of the circuit court, the judge of such court may appoint some suitable attorney to act in his place during his absence. He shall enter an order making a reasonable allowance to the person so appointed and, not exceeding $7.00 per day, to be paid out of the treasury and, in addition thereto, such attorney shall have one-half of the per centum allowed the Commonwealth's attorney, but the court shall not appoint any attorney to act in the place of the Commonwealth's attorney unless he and the county attorney are both absent or are of kin to, or counsel for the accused, except in cases of a felony, and the per diem paid any Commonwealth's Attorney pro tem. shall be deducted from the salary to be paid the Commonwealth's attorney of the district in which said Commonwealth's attorney pro tem. is appointed, and the per centum of fines and forfeitures so paid a Commonwealth's attorney pro tem. shall be considered as having been paid a Commonwealth's attorney of such district and so charged on the records of the Auditor of Public Accounts.

§ 2. All laws and parts of laws in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed,

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen
W. B. Ardery
W. O. Bach
A. J. Baldridge
J. H. Baughman
W. B. Belknap
T. H. Benton
Shaler Berry
C. H. Berryman
W. P. Bowman
D. F. Brown
Geo. A. Brown
F. W. Bryant
J. R. Buckman
W. G. Buckner
S. J. Bunger
W. A. Carson
C. B. Carver
Lonnie Cooper
Fred H. Coots
J. D. Cox
W. J. Curtis
J. L. Cushing
C. L. Daly
Mormon B. Daniel
J. R. Dorman
E. J. Doss
James M. Durham
D. E. Edwards
J. O. Evans
D. W. Fowler
R. E. Glenn
F. A. Gnau
Whitsett Hall
Lawrence Harmon
J. F. Harrison
C. W. Hawkins
J. M. Hayse
Goebel B. Henson
H. M. Holbrook
H. B. Holland
S. K. Holland
Ira L. Horne
J. C. Hutcherson
E. M. Johnson
Grover C. Johnson
W. W. Johnson
D. C. Jones
Mrs. H. G. Jorris
J. R. Kelly
Thos. H. King
Oscar Leibson
W. W. Leslie
J. L. Manning
Joe Martin
Shelby Martin
A. M. Mercer
H. H. Miller
J. S. Milliken
T. R. Moore
B. T. Morris
L. P. Murphy
Chas. N. McCarty
J. L. McDavid
W. J. McGill
F. T. Nichols
Caleb Page
Smith Park
J. J. Patterson
Jas. J. Peters
Geo. W. Potter
W. H. Pryor
H. A. Pulliam
Clint Raymer
R. R. Rogers
C. W. Ryans
Chas. L. Seale
W. R. Smith
E. J. Snyder
J. G. Swearengin
Mac Swinford
J. L. Valandingham
Chiles Van Antwerp
C. D. Vincent
T. B. Watts

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Resolved that the title thereof be as aforesaid.

Mr. Milliken moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 342. An Act to repeal and re-enact Section 4246 of the Kentucky Statutes, 1915 Edition, relating to reports to be made by the circuit court clerks to the Auditor of Public Accounts and imposing the same duties upon county judges, police judges, and justices of the peace of the Commonwealth.

Said bill was as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 4246 of the Kentucky Statutes, 1915 Edition, be repealed and re-enacted so that the same, when thus re-enacted, shall read as follows:

It shall be the duty of the clerk of the circuit courts, county judges, police judges, and the justices of the peace of this Commonwealth to report to the Auditor of Public Accounts, at the time he makes the report required in the preceding sections, a list of all judgments, executions, etc., named in said preceding sections, which have been paid in court, or as appeared from the returns or other entries upon his books, or returns of execution or other process, have been collected since last report, by whom and from whom collected, amount, date, and to whom paid.

§ 2. All acts and parts of acts in conflict herewith are hereby repealed.

Ordered that said bill be readt he third time.

The constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	James M. Durham	H. H. Miller
Wm. J. Arvin	D. E. Edwards	J. S. Milliken
W. O. Bach	J. O. Evans	T. R. Moore
A. J. Baldridge	D. W. Fowler	B. T. Morris
J. H. Baughman	R. E. Glenn	L. P. Murphy
T. H. Benton	F. A. Gnau	Chas. N. McCarty
Shaler Berry	Whitsett Hall	J. L. McDavid
C. H. Berryman	Lawrence Harmon	W. J. McGill
W. P. Bowman	C. W. Hawkins	F. T. Nichols
D. F. Brown	J. M. Hayse	Caleb Page
Geo. A. Brown	Goebel B. Henson	Smith Park
F. W. Bryant	H. M. Holbrook	Jas. J. Peters
J. R. Buckman	H. B. Holland	Geo. W. Potter
W. G. Buckner	S. K. Holland	W. H. Pryor
S. J. Bunger	Ira L. Horne	H. A. Pulliam
W. A. Carson	E. M. Johnson	Clint Raymer
C. B. Carver	Grover C. Johnson	R. R. Rogers
Lee Clark	W. W. Johnson	C. W. Ryans
Lonnie Cooper	D. C. Jones	W. R. Smith
Fred H. Coots	Mrs. H. G. Jorris	E. J. Snyder
J. D. Cox	Thos. H. King	J. G. Swearengin
J. S. Cruse	Oscar Leibson	Mac Swinford
J. L. Cushing	Leon P. Lewis	J. L. Valandingham
C. L. Daly	J. L. Manning	Chiles Van Antwerp
Mormon B. Daniel	Joe Martin	C. D. Vincent
J. R. Dorman	Shelby Martin	W. S. Wallen
E. J. Doss	A. M. Mercer	T. B. Watts

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Resolved that the title thereof be as aforesaid.

Mr. Milliken moved that the vote by which said bill was pass be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 341. An Act to repeal and re-enact Section 4243 of the Kentucky Statutes, 1915 Edition, relating to records to be kept by the clerk of the circuit and county courts and the trustees of the jury fund so as to make same applicable to county judges, police judges, and justices of the peace of the Commonwealth.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 4243 of the Kentucky Statutes, 1915 Edition, be repealed and re-enacted so that same, when thus re-enacted, shall read as follows:

The clerks of the circuit courts and county courts and judges of the county courts, police courts, and justices of the peace and trustees of the jury fund of this Commonwealth shall keep a well-bound book in their office, in which they shall enter at the time it is receivable, or when received, all tax on suits, or other moneys received by them for the Commonwealth, showing of whom received, on what account, amount, and date, which book shall, at all times, be open to public inspection.

§ 2. All acts or parts of acts in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provisions as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen
Wm. J. Arvin
W. O. Bach
A. J. Baldridge
J. H. Baughman
W. B. Belknap
T. H. Benton
Shaler Berry
C. H. Berryman
Geo. A. Brown
F. W. Bryant
J. R. Buckman
W. G. Buckner
S. J. Bunger
W. A. Carson
C. B. Carver
Lee Clark
Lonnie Cooper
Fred H. Coots
J. D. Cox
J. S. Cruse
J. L. Cushing
C. L. Daly
Mormon B. Daniel
E. J. Doss
James M. Durham
J. O. Evans
D. W. Fowler
R. E. Glenn
F. A. Gnau
Whitsett Hall
Lawrence Harmon
C. W. Hawkins
J. M. Hayse
Goebel B. Henson
H. M. Holbrook
S. K. Holland
Ira L. Horne
J. C. Hutcherson
E. M. Johnson
Grover C. Johnson
W. W. Johnson
Mrs. H. G. Jorris
W. O. Keller
J. R. Kelly
Thos. H. King
Oscar Leibson
Leon P. Lewis
J. L. Manning
Joe Martin
A. M. Mercer
H. H. Miller
J. S. Milliken
T. R. Moore
B. T. Morris
L. P. Murphy
Chas. N. McCarty
J. L. McDavid
W. J. McGill
F. T. Nichols
Caleb Page
Smith Park
J. J. Patterson
Jas. J. Peters
Geo. W. Potter
W. H. Pryor
H. A. Pulliam
Clint Raymer
R. R. Rogers
Philip J. Ryan
C. W. Ryans
W. R. Smith
E. J. Snyder
J. G. Swearengin
Mac Swinford
J. L. Valandingham
Chiles Van Antwerp
C. D. Vincent
W. S. Wallen
T. B. Watts

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There voted in the negative—

H. B. Holland

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Resolved that the title thereof be as aforesaid.

Mr. Millken moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 332. An Act to repeal and re-enact Section 4248 of the Kentucky Statutes, 1915 Edition, relating to penalties for failure and neglect of certain officers to keep certain records and file certain reports so as to make such penalties applicable to county judges, police judges, and justices of the peace of this Commonwealth who fail to keep such records and file such reports as required by law.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 4248 of the Kentucky Statutes, 1915 Edition, be repealed and re-enacted so that the same, when thus re-enacted, shall read as follows:

Upon the failure or neglect to perform any duty required by this article, the officer so failing shall, for each offense, be fined not less than fifty dollars ($50.00) nor more than one hundred dollars ($100.00) in the discretion of the court or the jury trying the case. Upon the failure of any circuit or county court clerk or any judge, police judge, or justice of the peace to make and forward to the Auditor of Public Accounts the reports required by this article, he shall be fined not less than two hundred dollars ($200.00) nor more than three hundred dollars ($300.00) for each offense, which may be recov-

ered by motion, action, or indictment in the Franklin Circuit Court.

§ 2. All acts or parts of acts in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	J. D. Cox	Grover C. Johnson
Wm. J. Arvin	J. S. Cruse	D. C. Jones
W. O. Bach	J. L. Cushing	Mrs. H. G. Jorris
A. J. Baldridge	C. L. Daly	W. O. Keller
J. H. Baughman	Mormon B. Daniel	J. L. Manning
W. B. Belknap	J. R. Dorman	Joe Martin
T. H. Benton	E. J. Doss	Shelby Martin
Shaler Berry	James M. Durham	A. M. Mercer
C. H. Berryman	D. E. Edwards	H. H. Miller
W. P. Bowman	J. O. Evans	J. S. Milliken
D. F. Brown	D. W. Fowler	T. R. Moore
Geo. A. Brown	R. E. Glenn	B. T. Morris
F. W. Bryant	F. A. Gnau	L. P. Murphy
J. R. Buckman	Whitsett Hall	Chas. N. McCarty
W. G. Buckner	Lawrence Harmon	J. L. McDavid
S. J. Bunger	J. M. Hayse	W. J. McGill
W. A. Carson	Goebel B. Henson	F. T. Nichols
C. B. Carver	S. K. Holland	Smith Park
Lee Clark	Ira L. Horne	J. J. Patterson
Lonnie Cooper	J. C. Hutcherson	Jas. J. Peters
Fred H. Coots	E. M. Johnson	Geo. W. Potter

W. H. Pryor	W. R. Smith	Chiles Van Antwerp
H. A. Pulliam	E. J. Snyder	C. D. Vincent
R. R. Rogers	Frank L. Strange	W. S. Wallen
Philip J. Ryan	J. G. Swearengin	T. B. Watts
C. W. Ryans	J. L. Valandingham	

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Those who voted in the negative were—

J. F. Harrison	J. R. Kelly	Clint Raymer
H. M. Holbrook	Thos. H. King	Chas. L. Seale
H. B. Holland	Caleb Page	

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Resolved that the title thereof be as aforesaid.

Mr. Milliken moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 330. An Act making it a misdemeanor and imposing a penalty on any County, District, or State officer of this Commonwealth or on any person for releasing a prisoner from any county jail of the Commonwealth while confined under judgment of a court of the Commonwealth.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall be unlawful for any county, district, or state officer of this Commonwealth or any other person to release

from any county jail of any county in the Commonwealth any prisoner who has been placed in such jail, under a judgment of a court, prior to the day such imprisonment shall have been satisfied, unless such judgment has been appealed from and superseded or paid or replevied, or unless the prisoner so confined in a jail shall have been pardoned by the Governor of this Commonwealth or unless such prisoner has been released under a writ of habeas corpus. Any such officer or any person so releasing such prisoner while so confined in a county jail under a judgment of a court of the Commonwealth, except as herein provided, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in any sum not exceeding $1,000.00.

§ 2. The Franklin Circuit Court, at Frankfort, Kentucky, shall have exclusive jurisdiction in the trial of such officers for the violation of the provisions of this act.

§ 3. All laws and parts of laws in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only, and rejected.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	W. G. Buckner	C. L. Daly
W. O. Bach	S. J. Bunger	E. J. Doss
A. J. Baldridge	W. A. Carson	J. O. Evans
J. H. Baughman	C. B. Carver	R. E. Glenn
Shaler Berry	Lee Clark	Whitsett Hall
C. H. Berryman	Fred H. Coots	C. W. Hawkins
D. F. Brown	J. D. Cox	J. M. Hayse
J. R. Buckman	J. S. Cruse	Goebel B. Henson

S. K. Holland
Ira L. Horne
W. W. Johnson
D. C. Jones
W. O. Keller
J. R. Kelly
Shelby Martin
A. M. Mercer
H. H. Miller
B. T. Morris
J. L. McDavid
Smith Park
Jas. J. Peters
Geo. W. Potter
H. A. Pulliam
W. R. Smith
Mac Swinford
Chiles Van Antwerp
W. S. Wallen

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Those who voted in the negative were—

W. B. Ardery
T. H. Benton
W. P. Bowman
Geo. A. Brown
F. W. Bryant
Lonnie Cooper
Mormon B. Daniel
J. R. Dorman
James M. Durham
D. E. Edwards
D. W. Fowler
Otto C. Gartin
F. A. Gnau
Lawrence Harmon
H. M. Holbrook
H. B. Holland
J. C. Hutcherson
Grover C. Johnson
Mrs. H. G. Jorris
Thos. H. King
W. W. Leslie
Leon P. Lewis
J. L. Manning
Joe Martin
T. R. Moore
L. P. Murphy
Chas. N. McCarty
W. J. McGill
F. T. Nichols
Caleb Page
J. J. Patterson
W. H. Pryor
Clint Raymer
R. R. Rogers
Philip J. Ryan
C. W. Ryans
Chas. L. Seale
M. G. Slusher
E. J. Snyder
Frank L. Strange
J. G. Swearengin
J. L. Valandingham
C. D. Vincent
T. B. Watts

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Mr. Milliken moved that the vote by which said bill was rejected be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 328. An Act to repeal and re-enact Section 130 of the Kentucky Statutes, 1915 Edition, relating to the duties of County Attorneys so as to make the provisions thereof ap-

plicable to Commonwealth's Attorneys and to provide for a forfeiture of all per centums of such judgments in the event of a failure to perform the duties so required.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 130 of the Kentucky Statutes, 1915 Edition, be repealed and re-enacted so that the same, when thus re-enacted, shall read as follows:

It shall be the duty of the County Attorney to investigate and inquire into the condition of all unsatisfied judgments in his county in favor of the Commonwealth, and it shall be the duty of the Commonwealth's Attorney to investigate and inquire into the condition of all unsatisfied judgments in his district in favor of the Commonwealth, and it shall be the duty of such officer to take all necessary steps, by motion, action, or otherwise, to collect, or cause the same to be collected and paid into the State treasury and, in the event either of such officers fail to take the steps herein required of such officers, within sixty days after such steps could have been taken, then the officer so failing to take such step shall forfeit all right to any per centum of said judgment or judgments whenever collected and paid into the State treasury.

§ 2. All acts and parts of acts in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of sail bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen
Wm. J. Arvin
W. O. Bach
A. J. Baldridge
J. H. Baughman
T. H. Benton
Shaler Berry
C. H. Berryman
D. F. Brown
Geo. A. Brown
F. W. Bryant
J. R. Buckman
W. G. Buckner
S. J. Bunger
W. A. Carson
C. B. Carver
Lee Clark
Lonnie Cooper
Fred H. Coots
J. D. Cox
J. S. Cruse
W. J. Curtis
J. L. Cushing
C. L. Daly
Mormon B. Daniel
J. R. Dorman
E. J. Doss
James M. Durham
D. E. Edwards
J. O. Evans
D. W. Fowler
R. E. Glenn
F. A. Gnau
Whitsett Hall
Lawrence Harmon
C. W. Hawkins
J. M. Hayse
Goebel B. Henson
H. M. Holbrook
H. B. Holland
S. K. Holland
Ira L. Horne
J. C. Hutcherson
E. M. Johnson
Grover C. Johnson
W. W. Johnson
Mrs. H. G. Jorris
W. O. Keller
J. R. Kelly
Thos. H. King
Oscar Leibson
W. W. Leslie
Leon P. Lewis
J. L. Manning
Joe Martin
Shelby Martin
H. J. Meyers
H. H. Miller
T. R. Moore
B. T. Morris
L. P. Murphy
Chas. N. McCarty
J. L. McDavid
W. J. McGill
F. T. Nichols
Caleb Page
J. J. Patterson
Jas. J. Peters
Geo. W. Potter
W. H. Pryor
H. A. Pulliam
Clint Raymer
R. R. Rogers
Philip J. Ryan
C. W. Ryans
M. G. Slusher
W. R. Smith
E. J. Snyder
Frank L. Strange
J. G. Swearengin
Mac Swinford
J. L. Valandingham
Chiles Van Antwerp
C. D. Vincent
W. S. Wallen
T. B. Watts

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Resolved that the title thereof be as aforesaid.

Mr. Milliken moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 292. An Act relating to the recording of deeds and mortgages securing indebtedness and requiring that every such instrument shall disclose the maturity of the principal of such indebtedness, and imposing penalties.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Hereafter, no clerk in any county court in this Commonwealth shall record a deed or mortgage by which the payment of an indebtedness is secured unless the maturity of the entire principal of the indebtedness so secured is stated in said deed or mortgage.

§ 2. Any individual, society, firm, association or corporation who shall have recorded in any county court clerk's office of this Commonwealth a deed or mortgage by which the payment of any debt is secured without stating in said deed or mortgage the correct amount of such indebtedness so secured and the maturity of each installment of the principal thereof shall be fined in any sum not exceeding $1,000.00, and any clerk of any county court of this Commonwealth who shall record a deed or mortgage securing the payment of a debt, unless said instrument shows the maturity of the principal of the debt to be secured, shall be deemed guilty of a misdemeanor and shall, on conviction, be fined in any sum not exceeding $100.00.

§ 3. All laws and parts of laws in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen
Wm. J. Arvin
W. O. Bach
A. J. Baldridge
T. H. Benton
Shaler Berry
C. H. Berryman
W. P. Bowman
D. F. Brown
Geo. A. Brown
F. W. Bryant
J. R. Buckman
W. G. Buckner
S. J. Bunger
W. A. Carson
C. B. Carver
Lee Clark
Lonnie Cooper
Fred H. Coots
J. D. Cox
J. S. Cruse
W. J. Curtis
J. L. Cushing
C. L. Daly
Mormon B. Daniel
J. R. Dorman
E. J. Doss
James M. Durham
D. E. Edwards
J. O. Evans
D. W. Fowler
Otto C. Gartin
R. E. Glenn
Whitsett Hall
Lawrence Harmon
J. F. Harrison
C. W. Hawkins
J. M. Hayse
Goebel B. Henson
H. M. Holbrook
H. B. Holland
S. K. Holland
Ira L. Horne
J. C. Hutcherson
E. M. Johnson
Grover C. Johnson
W. W. Johnson
D. C. Jones
Mrs. H. G. Jorris
W. O. Keller
J. R. Kelly
Thos. H. King
Oscar Leibson
W. W. Leslie
J. L. Manning
Joe Martin
Shelby Martin
H. J. Meyers
H. H. Miller
J. S. Milliken
B. T. Morris
L. P. Murphy
Chas. N. McCarty
J. L. McDavid
W. J. McGill
F. T. Nichols
Caleb Page
Smith Park
J. J. Patterson
Jas. J. Peters
Geo. W. Potter
W. H. Pryor
H. A. Pulliam
Clint Raymer
R. R. Rogers
Philip J. Ryan
C. W. Ryans
M. G. Slusher
W. R. Smith
E. J. Snyder
Frank L. Strange
J. G. Swearengin
Mac Swinford
J. L. Valandingham
Chiles Van Antwerp
C. D. Vincent
W. S. Wallen
T. B. Watts

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Resolved that the title thereof be as aforesaid.

Mr. Milliken moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 289. An Act to repeal and re-enact Section 4245 of the Kentucky Statutes, 1915 Edition, relating to the duty of the circuit court clerks as to issuance of process on judgments in favor of the Commonwealth so as to impose the same duties upon the judges of the county courts, police courts, and justices of the peace of the Commonwealth of Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 4245 of the Kentucky Statutes, 1915 Edition, be repealed and re-enacted so that the same, when thus re-enacted, shall read as follows:

It shall be the duty of the circuit court clerks, county judges, police judges, and justices of the peace of this Commonwealth to issue proper process and place same in the hands of the sheriff, taking his receipt therefor and within ten days after the adjournment of each term of court during which said judgment was rendered, on all judgments in favor of the Commonwealth which have not been paid or replevied in the office or remitted or respited by the Governor, and said circuit court clerk, county judge, police judge, and magistrate of each and every replevied bond on any judgment entered in the court of which he is clerk or judge issue executions and place them in the hands of the sheriff as aforesaid; and upon such execution issued upon any replevied bond being returned

by the sheriff without making the money, such circuit court clerk, county judge, police judge, or magistrate of the court in which said bond was executed shall reissue executions from time to time at least once in every ten months for five years, and as often thereafter as demanded by the Commonwealth's Attorney, or County Attorney, or Sheriff, or Trustee of the Jury Fund and place same in the hands of the sheriff as aforesaid; and upon all such judgments, executions, or capias pro fine, which may be stayed or respited by the Governor, the circuit court clerk or county judge or police judge or magistrate of the court in which said judgment has been entered shall issue proper process and place it in the hands of the sheriff as aforesaid, within ten days after the expiration of such stay or respite. And it shall also be the duty of the circuit court clerk, county judge, police judge, or magistrate of the court in which said judgment was rendered to make out and forward to the Auditor of Public Accounts, some time in the month of June of each year, a full and complete list of all unpaid judgments as aforesaid, showing at what date capias or other process issued, to whom delivered, and what return has been made and the date thereof and, upon the failure of any circuit court clerk, county judge, police judge, or any justice of the peace to discharge his duties as required in this section, such officer so failing shall be held responsible on his official bond for the amount of the judgment, interest, and cost to which such failure is applicable, but nothing in this section shall be construed to authorize the Governor to remit any judgment unless the same be a fine imposed as a punishment.

§ 2. All acts and parts of acts in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen
Wm. J. Arvin
W. O. Bach
A. J. Baldridge
J. H. Baughman
T. H. Benton
C. H. Berryman
W. P. Bowman
D. F. Brown
Geo. A. Brown
F. W. Bryant
J. R. Buckman
W. G. Buckner
S. J. Bunger
W. A. Carson
C. B. Carver
Lee Clark
Lonnie Cooper
Fred H. Coots
J. D. Cox
J. S. Cruse
W. J. Curtis
Mormon B. Daniel
J. R. Dorman
E. J. Doss
James M. Durham
D. E. Edwards
J. O. Evans
D. W. Fowler
R. E. Glenn
F. A. Gnau
Whitsett Hall
Lawrence Harmon
C. W. Hawkins
J. M. Hayse
Goebel B. Henson
H. M. Holbrook
H. B. Holland
S. K. Holland
Ira L. Horne
J. C. Hutcherson
E. M. Johnson
Grover C. Johnson
W. W. Johnson
Mrs. H. G. Jorris
W. O. Keller
J. R. Kelly
Thos. H. King
Oscar Leibson
W. W. Leslie
Leon P. Lewis
J. L. Manning
Joe Martin
Shelby Martin
H. H. Miller
J. S. Milliken
B. T. Morris
L. P. Murphy
Chas. N. McCarty
J. L. McDavid
W. J. McGill
F. T. Nichols
Caleb Page
Smith Park
J. J. Patterson
Jas. J. Peters
Geo. W. Potter
W. H. Pryor
H. A. Pulliam
Clint Raymer
R. R. Rogers
Philip J. Ryan
C. W. Ryans
W. R. Smith
E. J. Snyder
Frank L. Strange
J. G. Swearengin
Mac Swinford
Chiles Van Antwerp
W. S. Wallen
T. B. Watts

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Resolved that the title thereof be as aforesaid.

Mr. Milliken moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committeee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 288. An Act to repeal and re-enact Section 4252 of the Kentucky Statutes, 1915 Edition, requiring officers to report to circuit court, so as to impose the same duties upon the circuit court clerks as now imposed upon county judges, police judges, and justices of the peace, and to impose a penalty for the failure of such officer to make any report required herein.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall be the duty of all sheriffs, clerks, county judges, police judges, justices of the peace, constables, marshals, and other officers authorized to receive money due the Commonwealth, to report on the first day of each circuit court, and in a court having a continuous session to report every four months, the amount of all moneys due the Commonwealth and collected by any such officer from all sources, except state and district taxes, since such officers' last report was made. The reports shall be in writing, and sworn to in open court by the officer making it, unless for good cause the court may excuse an officer, and receive his report sworn to before some person authorized to administer an oath. The report shall be on blanks prepared and furnished the circuit clerk by the Auditor of Public Accounts, and shall show from whom the money was received, the amount and date of collection, and on what

account the money was paid; and the reports of the county judges, circuit court clerks, police judges, and justices of the peace shall also show on which fines and forfeitures reported the county attorney is entitled to commission by reason of having attended and prosecuted the cases in which they were imposed. The county clerk shall, in addition to the facts as above required, show by report all licenses granted by him and the county court since his last report, the names of the persons to whom granted, and the date of each, the date of expiration and the amount of tax on each.

The circuit court clerks, the county judges, police judges, and justices of the peace, and the clerks of all other courts inferior to the circuit courts, having jurisdiction to render judgments in favor of the Commonwealth, shall in addition to the facts required to be shown by them, report all unsatisfied judgments in their respective courts rendered in favor of the Commonwealth during twelve months next before the time when such report is required to be made, the name and residence of the person against whom such judgment was rendered, the date of the judgment, the amount thereof, and the reason such judgment has not been collected. Every officer required to report herein shall make his report in writing to the circuit court at the time herein designated whether or not said officer has received any money due the Commonwealth and whether or not there are any unsatisfied judgments in favor of the Commonwealth in their respective courts.

§ 2. Upon the failure of any of the officers enumerated herein to file any reports required to be filed by such officer, he shall be deemed guilty of a misdemeanor and, upon conviction thereof, he shall be fined in any sum not exceeding $1,000.00.

§ 3. All acts and parts of acts in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	James M. Durham	Joe Martin
Wm. J. Arvin	D. E. Edwards	Shelby Martin
W. O. Bach	J. O. Evans	H. H. Miller
A. J. Baldridge	D. W. Fowler	J. S. Milliken
J. H. Baughman	Otto C. Gartin	T. R. Moore
T. H. Benton	R. E. Glenn	B. T. Morris
Shaler Berry	F. A. Gnau	L. P. Murphy
C. H. Berryman	Whitsett Hall	Chas. N. McCarty
W. P. Bowman	Lawrence Harmon	J. L. McDavid
D. F. Brown	C. W. Hawkins	W. J. McGill
Geo. A. Brown	J. M. Hayse	Caleb Page
F. W. Bryant	Goebel B. Henson	Smith Park
J. R. Buckman	H. M. Holbrook	J. J. Patterson
W. G. Buckner	H. B. Holland	Jas. J. Peters
S. J. Bunger	S. K. Holland	Geo. W. Potter
W. A. Carson	Ira L. Horne	W. H. Pryor
C. B. Carver	J. C. Hutcherson	Clint Raymer
Lee Clark	E. M. Johnson	R. R. Rogers
Lonnie Cooper	Grover C. Johnson	Philip J. Ryan
J. D. Cox	W. W. Johnson	C. W. Ryans
J. S. Cruse	Mrs. H. G. Jorris	W. R. Smith
W. J. Curtis	W. O. Keller	E. J. Snyder
J. L. Cushing	J. R. Kelly	Frank L. Strange
C. L. Daly	Thos. H. King	J. G. Swearengin
Mormon B. Daniel	Oscar Leibson	Mac Swinford
J. R. Dorman	W. W. Leslie	Chiles Van Antwerp
E. J. Doss	J. L. Manning	T. B. Watts

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Resolved that the title thereof be as aforesaid.

Mr. Milliiken moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed a bill which originated in that body of the following title, viz:

S. B. 298. An Act to authorize the governing authority of any political party to determine the method of nominating its candidates for state, district, and county offices, including members of Congress and United States Senators.

Ordered that said bill be printed and referred

To Committee on Rules.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 379. An Act limiting the amount to be paid to a county attorney and a county attorney pro tem. for any county to $5,000.00 per year and providing the manner and method for the payment of the per centum of fines and forfeitures out of the State treasury and fixing liability on the Auditor for any overpayment to such officer or officers.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The compensation to be paid to any county attorney for any county in this Commonwealth shall not exceed the

sum of $5,000.00 for any calendar year, nor shall more than one-twelfth of said maximum amount of $5,000.00 be paid to any such officer for his services for any calendar month nor till after the last day of each calendar month.

§ 2. In determining the maximum amount to be paid a county attorney for the calendar year, the salary of such officer as fixed by the fiscal court, and to be paid out of the levy of the county for which he is county attorney, and the taxed attorney fees collected, and the per centum of fines and forfeitures which may be paid to him out of the state treasury as now provided by law shall be considered, and the aggregate of such salary and such taxed attorney fees collected and the amount that may be paid such officer from the per centum of fines and forfeitures collected and paid into the state treasury shall not exceed the sum of $5,000.00 for any calendar year.

§ 3. The Auditor of Public Accounts shall not draw his warrant on the treasury of the Commonwealth of Kentucky in favor of any county attorney for any amount on account of the per centum of fines and forfeitures paid into the state treasury to which said county attorney is entitled to a part thereof, as by law provided, until such county attorney files with the Auditor of Public Accounts a certified copy of the order of the fiscal court of the county for which he is county attorney showing the amount of salary allowed to such county attorney per year, nor until such county attorney files an affidavit showing whether or not any taxed attorney fees have been collected by him, then the affidavit required shall show the amount of taxed attorney fees so collected, the date of each collection, the date of the judgment, the court in which same was rendered, and the name or names of the defendants in each case.

§ 4. All amounts paid to a county attorney pro tem. for any county in this Commonwealth shall be considered in arriving at the maximum amount to be paid the county attorney for any county of this Commonwealth for services for any

calendar year and the Auditor of Public Accounts shall not draw his warrant on the state treasury for any amount whatsoever in favor of a county attorney pro tem. until such county attorney pro tem. shall have filed with such Auditor of Public Accounts the sworn statement as required to be filed by the county attorney under the provisions of the preceding section of this act.

§ 5. The Auditor of Public Accounts shall be liable on his official bond for the payment of any sum out of the state treasury, on his warrant, to any county attorney or county attorney pro tem. prior to the filing in his office of the affidavits herein required and he shall also be liable on his official bond for the payment out of the state treasury, on his warrant, to a county attorney or county attorney and county attorney protem. for any one county of any amount that may make the payment to said county attorney and county attorney pro tem. of any county in excess of $5,000.00 for any calendar year.

§ 6. All laws and parts of laws in conflict herewith are hereby repealed.

Mr. Peters offered the following amendment to said bill, viz:

That paragraph 2 and 3, House Bill 379, regular session, 1926, of the General Assembly of the Commonwealth of Kentucky be amended by adding after the word "collected" in the fourth line of paragraph 2 thereof and by adding after the word "collected" in the seventh line of paragraph 2 thereof, and by adding after the word "fees" in the tenth line of paragraph 3 thereof and by adding after the word "fees" in the eleventh line of paragraph 3 thereof the following words "and fees for services in assessing omitted property and for services in collecting taxes due the State or any taxing subdivision thereof" so that when said paragraphs are so amended, they shall read as follows:

§ 2. In determining the maximum amount to be paid a county attorney for the calendar year, the salary of such officer as fixed by the fiscal court, and to be paid out of the levy of the county for which he is county attorney, and the taxed attorney fees collected and fees for services in assessing omitted property and for services in collecting taxes due the State or any taxing subdivision thereof and the per centum of fines and forfeitures which may be paid to him out of the state treasury as now provided by law shall be considered, and the aggregate of such salary and such taxed attorney fees collected and fees for services in assessing omitted property and for services in collecting taxes due the State or any taxing subdivision thereof, and the amount that may be paid such officer from the per centum of fines and forfeitures collected and paid into the state treasury shall not exceed the sum of $5,000.00 for any calendar year.

§ 3. The Auditor of Public Accounts shall not draw his warrant on the treasury of the Commonwealth of Kentucky in favor of any county attorney for any amount on account of the per centum of fines and forfeitures paid into the state treasury to which said county attorney is entitled to a part thereof, as by law provided, until such county attorney files with the Auditor of Public Accounts a certified copy of the order of the fiscal court of the county for which he is county attorney showing the amount of salary allowed to such county attorney per year, not until such county attorney files an affidavit showing whether or not any taxed attorney fees and fees for services in assessing omitted property and for services in collecting taxes due the State or any taxing subdivision thereof have been collected by him, then the affidavit required shall show the amount of taxed attorney fees and fees for services in assessing omitted property and for services in collecting taxes due the State or any taxing subdivision thereof so collected, the date of each collection, the date of the judgment, the court in which same was rendered, and the name or names of the defendants in each case.

Said amendment was agreed to.

Mr. Rogers moved that the vote by which the House agreed to the amendment offered by Mr. Peters, be reconsidered.

Said motion was agreed to.

Said amendment as offered by Mr. Peters was then agreed to.

Mr. Daniels offered the following amendment to said bill viz:

Amend H. B. 379 by adding at end of line 1, section 6: "The provisions of this Act shall not affect counties having cities of the 4th, 5th and 6th Class."

Said amendment was disagreed to.

Mr. Jones offered the following amendment to said bill, viz.:

Amend H. B. 379 by adding after the word "month" in line 5 of first paragraph the following: "provided that is in any preceding month in the calendar year, he has received less than one-twelfth of the annual maximum of $5,000, he shall be entitled to receive in any one month an amount sufficient to make up any shortage due him.

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	J. O. Evans	J. S. Milliken
Wm. J. Arvin	D. W. Fowler	T. R. Moore
W. O. Bach	Otto C. Gartin	B. T. Morris
A. J. Baldridge	R. E. Glenn	L. P. Murphy
J. H. Baughman	F. A. Gnau	Chas. N. McCarty
T. H. Benton	Whitsett Hall	J. L. McDavid
Shaler Berry	Lawrence Harmon	W. J. McGill
W. P. Bowman	C. W. Hawkins	F. T. Nichols
D. F. Brown	Goebel B. Henson	Caleb Page
Geo. A. Brown	H. B. Holland	Smith Park
J. R. Buckman	S. K. Holland	J. J. Patterson
W. G. Buckner	Ira L. Horne	Jas. J. Peters
S. J. Bunger	E. M. Johnson	Geo. W. Potter
W. A. Carson	Grover C. Johnson	W. H. Pryor
C. B. Carver	W. W. Johnson	H. A. Pulliam
Lee Clark	D. C. Jones	Clint Raymer
Lonnie Cooper	Mrs. H. G. Jorris	E. J. Snyder
Fred H. Coots	W. O. Keller	J. G. Swearengin
J. D. Cox	J. R. Kelly	J. L. Valandingham
J. L. Cushing	Thos. H. King	Chiles Van Antwerp
C. L. Daly	Oscar Leibson	C. D. Vincent
J. R. Dorman	Leon P. Lewis	W. S. Wallen
E. J. Doss	Shelby Martin	T. B. Watts
James M. Durham	A. M. Mercer	
D. E. Edwards	H. H. Miller	

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Those who voted in the negative were—

F. W. Bryant	J. F. Harrison	Chas. L. Seale
Mormon B. Daniel		—4

Resolved that the title thereof be as aforesaid.

Mr. Milliken moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 381. An Act requiring county judges, police judges, justices of the peace, and clerks of the circuit courts to keep a record book in which all judgments, civil and criminal shall be entered and cross indexed, and imposing penalties for failure so to do.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The county judges, police judges, justices of the peace, and clerks of the circuit courts of this Commonwealth shall keep a record called judgment book, in which shall be entered all judgments, civil and criminal, and same shall be alphebetically cross-indexed according to the sur names of each plaintiff and each defendant. The record so required to be kept in such judgment book shall show the date of the judgment, the name of the plaintiff and defendant, the order book and page thereof on which entered, and the date of the satisfaction of said judgment when satisfied.

§ 2. Any county judge, police judge, justice of the peace, or clerk of the circuit court who shall fail to record the judgments entered in their respective courts in the judgment book as herein directed shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in any sum not exceeding $50.00 and each omission of entry of anything herein required to be entered in said judgment book shall be deemed a separate offense.

§ 3. All laws and parts of laws in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	J. R. Dorman	Joe Martin
Wm. J. Arvin	E. J. Doss	Shelby Martin
W. O. Bach	James M. Durham	A. M. Mercer
A. J. Baldridge	D. E. Edwards	H. H. Miller
J. H. Baughman	J. O. Evans	B. T. Morris
W. B. Belknap	D. W. Fowler	Chas. N. McCarty
T. H. Benton	Otto C. Gartin	J. L. McDavid
Shaler Berry	R. E. Glenn	W. J. McGill
W. P. Bowman	F. A. Gnau	Caleb Page
D. F. Brown	Whitsett Hall	J. J. Patterson
Geo. A. Brown	Lawrence Harmon	Geo. W. Potter
F. W. Bryant	C. W. Hawkins	W. H. Pryor
W. G. Buckner	Goebel B. Henson	R. R. Rogers
S. J. Bunger	H. M. Holbrook	Philip J. Ryan
W. A. Carson	H. B. Holland	Chas. L. Seale
C. B. Carver	S. K. Holland	E. J. Snyder
Lee Clark	Ira L. Horne	J. G. Swearengin
Fred H. Coots	Grover C. Johnson	Mac Swinford
J. D. Cox	W. W. Johnson	J. L. Valandingham
J. L. Cushing	Thos. H. King	C. D. Vincent
C. L. Daly	Leon P. Lewis	W. S. Wallen
Mormon B. Daniel	J. L. Manning	T. B. Watts

—66

Resolved that the title thereof be as aforesaid.

Mr. Milliken moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 187. An Act to supplement Chapter 9 of the Acts of the General Assembly of the Commonwealth of Kentucky, 1924 session, creating a permanent Kentucky State Park Commission, providing for a Director of State Parks, the employment of Custodians for State Parks, empowering said Commission to make rules and regulations for the maintenance of State Parks and employees, designating certain tracts of land as State Parks and appropriating money for the care, maintenance of and improvement of State Parks.

Mr. Milliken moved that said bill be recommitted with leave to report at any time.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 226. An Act to amend Sections 2, 18, 42 and 59 of an Act entitled "An Act to provide an elective system of Workmen's Compensation for Industrial Accidents" and known as Chapter 33 of the Acts of the General Assembly of the Commonwealth of Kentucky, for the year 1916, and approved by the Governor on March 23, 1916, and the same act as amended by what is known as Chapter 126 of the Acts of the General Assembly of Kentucky for the year 1918 and approved by the Governor on March 29, 1918, and the same act as amended by what is known as Chapter 37 of the Acts of the General Assembly of the Commonwealth of Kentucky for the

year 1920, and approved by the Governor on March 22, 1920, and the same Act as amended by what is known as Chapter 50 of the General Assembly of the Commonwealth of Kentucky for the year 1922, and approved by the Governor on March 22, 1922, and the same act as amended by what is known as Chapter 70 of the Acts of the General Assembly of the Commonwealth of Kentucky for the year 1924, and approved by the Governor on March 25, 1924, and declaring an emergency to exist.

Mr. Milliken moved that said bill be recommitted with leave to report at any time.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 227. An Act to create a central purchasing agency for the Commonwealth of Kentucky, providing for a State Purchasing Commission to administer the same, for its expenses, including the salary of its chairman, defining its powers and duties, its mode of procedure, governing its members in relation to their official duties as such and the manner of their appointment, and fixing the venue of actions for or against the Commission or members thereof.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. State Purchasing Commission Created. A central purchasing agency for the Commonwealth of Kentucky, to be known as the State Purchasing Commission, is hereby created. The said commission shall consist of three members as here-

inafter provided. The said commission is hereby created a corporation, with power to contract and be contracted with, to sue and be sued, and to do and perform all thing requisite and necessary to execute the duties and powers hereinafter conferred upon it. The said commission may have and use a common seal, and is hereby empowered to adopt rules, regulations or by-laws for the government of the commission not inconsistent with the Constitution or the laws of the Commonwealth.

§ 2. Members of the Commission. The chairman of the State Purchasing Commission shall be appointed by the Governor for a term co-terminous with that of the Governor making the appointment, shall be a person of experience and recognized ability in the purchase of merchandise, shall hold office a the pleasure of the Governor and shall devote his entire time to the performance of his duties under this act. The chairman shall be a qualified elector of this state and a person of recognized business qualifications and fitness for the purposes contemplated by this act, and shall receive as compensation for his services the sum of five thousand dollars ($5,000.00) per annum. The Commissioner of Public Institutions and one of the members of the State Highway Commission to be designated by the Governor, shall, ex-officio, constitute the other two members of said commission, and the said commissioner of Public Institutions and the member of the State Highway Commission so acting, shall serve without additional compensation, as members of the State Purchasing Commission. The members of the State Purchasing Commission shall be paid their additional and necessary traveling expenses while engaged on the business of the Commonwealth, in the manner now provided by law for the payment of the expenses of other state officials while traveling in the course of their official duties.

§ 3. Bonds to be Executed by Members. The chairman of the State Purchasing Commission shall give bond to the state of Kentucky in the sum of twenty-five thousand dollars

($25,000.00), conditioned upon the honest and faithful performance of his duties, which bond shall be approved by the Governor and deposited in the office of the Secretary of State. The official bonds of the ex-officio members of the commission shall be conditioned upon the faithful and honest performance of the additional duties imposed by this act, and they shall not be required to execute any further bond other than that now required by law to be executed by them.

§ 4. Duties of Commission. Said commission shall contract for, purchase and acquire all furnishings, furniture and supplies of every kind or description for the use of the state or its officers, or any department thereof, or for the support of the several state institutions, including all penal, charitable and educational institutions, except as provided in section 16, subsection (i) of this act, and all supplies including supplies for printing, stationery, fuel, tools, implements, machinery, materials for the construction of roads, buildings or for other purposes, food, clothing, medical supplies and books, other than books selected by the State Text Book Commission, or for the use of the libraries of the state.

§ 5. Powers of the Commission. Said commission shall have exclusive authority to purchase all materials, supplies, tools, implements, machinery and equipment necessary in the construction, repair and maintenance or operation of all roads, highways and buildings where such construction, repairs, maintenance and operation is conducted by any agency of the state government and in the operation of all state departments, boards, commissions, offices and institutions. It shall keep an accurate account of all property purchased by it for the state or for any of the departments or offices thereof, including all property purchase for the use of the Legislature, and when such property is not in use it shall order the same to be preserved and safely kept.

§ 6. Presentment of Claims. All claims against the state for any of the personal property herein mentioned shall before payment, be presented in the form required by the State

Purchasing Commission, and be ordered and approved by said commission under such rules and regulations as the commission may prescribe.

§ 7. Activities of Members of Commission Restricted. No contract shall be entered into by said commission with any partnership, firm or corporation, in which any members of said commission shall have any interest, directly or indirectly, or shall be a stockholder, nor with any relative or any member of said commission, either by blood or marriage within the third degree.

The taking or receiving either directly or indirectly, by any member of the State Purchasing Commission, of any rebate, percentage of contract, money or any other thing of value from any person, partnership, firm of corporation offering, bidding for, or in the open market seeking, to make sales to said commission, shall be deemed a felony, and any member of said commission convicted under this section shall be punished by a fine not to exceed five thousand dollars ($5,000) and by imprisonment in the penitentiary not less than five years nor more than ten years.

§ 8. Transfer of Authority. All powers and duties prescribed in this act, which are now performed by or vested in any other board, commission, officer or other state agency, except as otherwise provided in this act, are hereby vested in and shall be performed by the State Purchasing Commission exclusively in the same manner as now required by law to be performed by such other board, commission or other state agency. All laws for the control of such boards, commissions, officers or other state agency for the performance of the duties mentioned herein shall apply to and control the State Purchasing Commission while engaged in the performance of these same duties.

§ 9. Reports. Said commission shall at the end of each quarter, in each fiscal year, make a full and complete report to the Governor of its duties and transactions, and shall, among other things, specifically set out all purchases made

and financial transactions coming within the province of the commission during that quarter. The State Inspector and Examiner shall immediately after such report is required to be made to the Governor, carefully examine and check over the entire transactions of said commissioner for the last quarter, and shall make a detailed report of his finding and examination to the Governor.

§ 10. Commission to Make Estimates for Biennial Budget. Prior to the convening of each regular session of the General Assembly, the State Purchasing Commission shall ascertain the financial requirements of all state departments affected by this act and of all state institutions, including penal, charitable and education institutions, and shall ascertain the necessary amount of supplies, for the operation and maintenance of all said departments and institutions and shall make an itemized report of its findings to the Budget Appropriation Commission. The recommendations of the State Purchasing Commission shall include requests for appropriations for materials and supplies for the maintenance and construction of additional buildings, and for such other materials and supplies or other items of personal property, the purchase of which, come within the control and supervision of the said commission within the purview of this act.

§ 11. Inventory of all State Property, The State Purchasing Commission, shall, immediately after the passage and approval of this act, proceed to take an inventory of all personal property owned by the State of Kentucky and preserve same in its office, and prior to the convening of each regular session of the General Assembly, said Commission shall, for the purpose of making estimates for the biennial budget, make a similar inventory of all personal property owned by the State of Kentucky.

§ 12. Commission to Furnish Information. The State Purchasing Commission shall be required to collect, classify and keep on file in its office, at the State Capitol, accurate information concerning the location, grade, quality and cost of

different kinds of material used in the construction, operation or maintenance of buildings, roads and highways, and all other supplies used by the various state departments and institutions, together with the names and addresses of the parties from whom the same may be procured, and shall furnish such information upon request to all persons, boards or commissions charged with the responsibility of selecting material or supplies or contracting for the construction operation or maintenance of buildings, roads and highways, and it shall be the duty of all persons, boards, and commissions, charged with such responsibility, to procure such information from the State Purchasing Commission, before submitting any estimates or requests for the purchase of material or supplies for the construction of any buildings or roads or for the maintenance and operation of any state department, board, commission or other office.

§ 13. Existing Contracts Not Affected by This Act. The provisions of this act shall not apply to contracts entered into and existing prior to the passage and approval of this act.

§ 14. Transfer of Personal Property from One Department to Another. The State Purchasing Commission shall have authority, when there is a surplus of tools, implements, machinery, equipment or other supplies in one department, and the same is not necessary for the use of said department, and would be necessary for the use of another or additional department of the state, to transfer said tools, implements, machinery, equipment or other supplies to the department having need of the same, either temporarily or permanently, and if permanently said Commission shall take into account such transfer of property in compiling estimates for the biennial budget, insofar as they may pertain to the departments affected by the transfer.

§ 15. Contracts for Materials and Supplies. The said Commission shall have power to let contracts for the furnishing of any materials or supplies or equipment for not more

than two years nor less than three months, except as otherwise provided by existing laws, and so far as may be practicable, on standard form contracts, to be approved, as to legality of form, by the Attorney General, and no contract shall be entered into, by the Commission, for and on behalf of any department, board or commission of the state, unless an appropriation is available to pay for the cost thereof except for food products for the penal and charitable institutions in cases of emergency. All contracts for materials, supplies or equipment shall be let under such rules and regulations as the Commission shall prescribe not inconsistent with existing laws governing such contracts and said contracts shall be let subject to the approval of the Commission. All prospective or proposed contracts for materials, supplies or equipment, in excess of three hundred dollars ($300), shall be approved by the State Auditor with reference to the availability of funds for which to pay for the cost of the same.

§ 16. Incidental Provisions. (a) Said Commission shall have power to employ such clerical and manual help and assistance as may be necessary to the proper discharge of its duties.

(b) The expenses of the State Purchasing Commission, including the salary of its chairman, the traveling expenses of its members, and its office expenses, including clerical and manual help and assistance, shall be provided for by the General Assembly from time to time upon the recommendation of the Budget Commission.

(c) All contracts let by the State Purchasing Commission shall be subject to the approval of a majority of the Commission and shall be signed by its chairman and attested by the State Auditor, for and on behalf of the Commonwealth or any board, commission, department, institution or office which may be directly involved, including the General Assembly, provided that in emergency cases the chairman may contract for the purchase of machinery, materials, equipment or supplies, not to exceed in value the sum of three hundred

dollars ($300), without previous authority of the Commission, subject to ratification by the Commission after the purchase has been made by said chairman.

(d) The State Auditor or one of his deputies, appointed by him for that purpose, shall act as secretary, ex-officio, of the Commission and shall serve as such without additional compensation.

(e) The Commission shall keep all necessary books, minutes and records for the orderly transaction of its business.

(f) Nothing in this act contained shall affect contracts for public printing, except that the purchase of all supplies and paper for public printing shall be made by and be subject to the supervision and control of the State Purchasing Commission in the same manner as all other contracts for materials, supplies and equipment, provided for in this act.

(g) Nothing in this act contained shall affect materials, supplies or equipment purchased for the use of the National Guard or miltary department or any portion thereof, when engaged in the course of active military duty or an order of the Governor in cases of war or other emergency. In all other cases the military department of the state government shall at all times be subject to the provisions of this act, as other departments of the state.

(h) All institutions within this Commonwealth, not operated or controlled by the state but which are supported in part by appropriations authorized by the General Assembly, may, by action of their respective boards of trustees or other governing bodies, come within the purview of this act.

(i) Nothing in this act shall affect the purchase of materials, supplies or equipment by and for the University of Kentucky provided however that the purchasing agent or other proper authority charged with the responsibility of making such purchases for the University shall report monthly to the State Purchasing Commission the amounts and cost of said material, supplies and equipment purchased

by him each and every month and the prices paid for the same; and provided further that nothing in this subsection shall be construed so as to preclude or prevent the purchasing agent or other proper authority of the University of Kentucky from making purchases of fuel or other material, supplies or equipment through the State Purchasing Commission, wherever or whenever, in the judgment of the said purchasing agent or other proper authority of the University, the same shall be deemed advisable in the interest of economy.

§ 17. Venue of Actions for and Against the Commission or Members Thereof. The venue of all actions, at law or in equity, including both civil and criminal actions, which may be brought for or against the State Purchasing Commission, or the members thereof, collectively or individually, shall be the county of Franklin, and for that purpose, exclusive jurisdiction, co-extensive with the state, is hereby vested in the circuit court in and for the county of Franklin.

§ 18. Construction of this Act. It is hereby declared to be the purpose and intention of the General Assembly, in the enactment of this law, to create one entire, complete and centralized system of purchasing of materials and supplies to be used by the various governmental agencies of the state, for purposes of efficiency and economy, in lieu of the system of purchasing now authorized by law, and therefore all laws or parts of law in conflict with the provisions of this act are hereby repealed, and if any section of this act shall be judicially declared unconstitutional the remainder of this act shall not be affected thereby.

§ 19. Emergency Clause. Because of the necessity for economy and retrenchment in the cost of operation of the state government, an emergency is hereby declared to exist, and therefore this act shall be in full force and effect from and after its passage and approval by the Governor.

Mr. Hutcherson offered the following amendment to said bill, viz.:

To amend H. B. 227 by striking from lines 2 and 3, Section 2, page 2 of the bill the words "co-terminous with that of the Governor making the appointment" and inserting in lieu thereof the words "of four years from the date of his appointment."

Said amendment was agreed to.

Mr. Lee Clark offered the following amendment to said bill, viz.:

Amend H. B. 227 by inserting after the words "University of Kentucky" in line 43, and after the word "University" in line 45, and after the words "University of Kentucky" in line 51, and after the word "University" in line 54 of subsection (1) of Section 16 of the printed bill the words "State Normal Schools and Teachers Colleges."

Said amendment was disagreed to.

Mr. Daniels offered the following amendment to said bill, viz.:

Amend H. B. 227 in line 10, Section 2 by striking out the words and figures "$5,000' and adding in lieu thereof the words and figures "$400."

Said amendment was disagreed to.

Mr. Coots offered the following amendment to said bill, viz.:

Amend H. B. 227 by striking out lines 42 to 55 inclusive, pages 8 and 9 of the printed bill.

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, and the same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Wm. J. Arvin	D. E. Edwards	Leon P. Lewis
W. O. Bach	J. O. Evans	J. L. Manning
A. J. Baldridge	D. W. Fowler	Shelby Martin
J. H. Baughman	Otto C. Gartin	A. M. Mercer
W. B. Belknap	R. E. Glenn	H. H. Miller
Shaler Berry	F. A. Gnau	J. S. Milliken
C. H. Berryman	Whitsett Hall	B. T. Morris
W. P. Bowman	Lawrence Harmon	Chas. N. McCarty
D. F. Brown	J. F. Harrison	J. L. McDavid
Geo. A. Brown	C. W. Hawkins	F. T. Nichols
F. W. Bryant	Goebel B. Henson	Caleb Page
J. R. Buckman	H. M. Holbrook	J. J. Patterson
W. G. Buckner	H. B. Holland	Jas. J. Peters
S. J. Bunger	S. K. Holland	W. H. Pryor
W. A. Carson	Ira L. Horne	H. A. Pulliam
C. B. Carver	J. C. Hutcherson	R. R. Rogers
Lee Clark	E. M. Johnson	Philip J. Ryan
Lonnie Cooper	Grover C. Johnson	C. W. Ryans
Fred H. Coots	W. W. Johnson	E. J. Snyder
J. D. Cox	D. C. Jones	Frank L. Strange
W. J. Curtis	Mrs. H. G. Jorris	J. G. Swearengin
J. L. Cushing	W. O. Keller	Mac Swinford
C. L. Daly	J. R. Kelly	J. L. Valandingham
J. R. Dorman	Thos. H. King	W. S. Wallen
E. J. Doss	W. W. Leslie	

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Those who voted in the negative were—

Lewis Allen	Smith Park	C. D. Vincent
Mormon B. Daniel	Geo. W. Potter	T. B. Watts
James M. Durham	Clint Raymer	
W. J. McGill	Chas. L. Seale	

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Resolved that the title thereof be as aforesaid.

Mr. Milliken moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 24. Resolution acclaiming Mary Towles Sasseen as the originator of the idea of celebating Mother's Day.

Said resolution is as follows, viz.:

Whereas, the Henderson Woman's Club through its President, Mrs. Lillian Walker Thixon, has passed a resolution requesting this General Assembly to recognize Miss Mary Towles Sasseen as the originator of the idea of Mother's Day Celebration; and,

Whereas, Mary Towles Sasseen, who was born and reared, and was for many years a teacher in the public schools of Henderson, Kentucky, afterwards marrying Judge Marshall Wilson of Florida, observed Mother's Day Celebration in the public schools of Henderson as early as 1887 and earnestly labored in Kentucky and other states to have said observance become general; and,

Whereas, said Mary Towles Sasseen was the originator of the idea of Mother's Day Celebration;

Therefore be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the people of Kentucky, through their chosen representatives in the General Assembly, hereby acclaim Mary Towles Sasseen as the originator of the idea of the celebration of Mother's Day; and,

Be it further resolved, That full credit should be given said Mary Towles Sasseen for her splendid work in attempting to bring to the minds of children everywhere the full admiration, respect and love due our mothers.

Mr. Milliken moved that the vote by which said resolution was passed be reconsidered, that said motion lie on the table.

Said last named motion was agreed to.

Mr. Milliken moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.